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No. 71.

SENATE

FRIDAY, June 13, 1941.

The Senate met at 12:01 oclock, a. m., E. S. T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, the gentleman from Butler, Mr. CARR, offered the prayer.

Our Heavenly Father, we pause at this the beginning of a new day, with the realization in our hearts that out of that Eternity which belongs unto Thee, Thou hast given us time, and while we realize, oh God, time is a most unsubstantial thing, yet help us to realize it is our greatest possession, that out of it all that we can do may be done for human kind. Grant, our Heavenly Father, that we may use it in such a way that it shall redound to Thy Name's honor and glory. We ask it in Thy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WADE and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

SENATE BILL No. 1051, (HOUSE BILL No. 573), ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1051, (House Bill No. 573), on third reading and final passage, page 14 of the Calendar.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1051, (House Bill No. 573), as follows:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as

The General Appropriation Act of one thousand nine hundred forty-one

Section 2 The following sums or as much thereof as may be necessary are hereby specifically appropriated from the General Fund to the several hereinafter named agencies of the Executive Legislative and Judicial Departments of the Commonwealth for the purposes hereinafter set forth for the two years beginning June first one thousand nine hundred and forty-one and for the payment of the bills incurred by said agencies and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one

I Executive Department

To the Governor

For the payment of the salary of the Governor the sum of thirty-six thousand dollars (\$36,000)

For the payment of salaries wages or other compensation of the Secretary to the Governor the Budget Secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Governor his Secretary to Budget Secretary and the Executive Board for the expenses incurred in the conduct of the Executive Mansion and the entertainment of official guests and for the expense incident to the participation of the Governor in the Governor's Conference the sum of three hundred twenty-five thousand five hundred dollars (\$325,500)

To the Lieutenant Governor

For the payment of the salary of the Lieutenant Governor the sum of sixteen thousand dollars (\$16,000)

For all necessary expenses including postage telegrams telephone toll charges and traveling clerical stenographic and discretionary expenses and for the care and maintenance of an automobile and mileage charges for the Department of Property and Supplies for the use of automobiles for the Lieutenant-Governor the sum of ten thousand dollars (\$10,000)

To the Department of the Auditor General

For the payment of the salary of the Auditor General the sum of twenty-four thousand dollars (\$24,000)

For the payment of salaries wages and other compensation of a deputy Auditor General and other employes for the payment of general expenses for the payment of rentals of patented leased office devices for the purchase of automobiles furniture furnishings and equipment and for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the department the sum of one million six hundred twenty-nine thousand seven hundred fifty-nine dollars (\$1,629,759)

For the payment to the State's Fiscal Agent for the custody and safekeeping of the books and records pertaining to loans of the Commonwealth as provided by law the sum of one thousand dollars (\$1,000)

For the payment of the cost of painting a portrait of Auditor General Warren R. Roberts to be placed in the Auditor General's office in the State Capitol the sum of seven hundred fifty dollars (\$750)

For the payment of fees to county officers for furnishing information to the officers of the Commonwealth as provided by law the sum of four thousand dollars (\$4,000)

To the Treasury Department

For the payment of the salary of the State Treasurer the sum of twenty-four thousand dollars (\$24,000)

For the payment of salaries wages or other compensation of a deputy State Treasurer and other employes for the payment of general expenses for the purchase of insurance covering the loss of any or all cash and securities of which the Treasury Department or State Treasurer is custodian and covering forgeries of all kinds on checks drafts warrants and requisitions for the payment of rentals of patented leased office devices and for the purchase of automobiles furniture furnishings and equipment for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the department the sum of nine hundred fourteen thousand dollars (\$914,000)

For the payment of salaries wages or other compensation to employes and for the payment of general expenses necessary for the proper conduct of the Treasury Department's functions relating to payments from the Unemployment Compensation Fund and the Administration Fund the amounts charged against the Administration Fund by the Treasury Department and paid into the General Fund are hereby specifically appropriated to the Treasury Department out of the General Fund

For the payment of the cost of painting a portrait of State Treasurer F. Clair Ross to be placed in the Treasury Department at the State Capitol the sum of seven hundred fifty dollars (\$750)

For the payment of salaries or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the Board of Finance and Revenue the sum of eighty thousand dollars (\$80,000)

For the payment of the difference between the interest earned by the moneys in the Agricultural College Land Scrip Fund and in the State College Experimental Farm Fund and the interest guaranteed by the Commonwealth of Pennsylvania to Pennsylvania State College the sum of fifty-three thousand dollars (\$53,000)

For the payment of legal fees publication of advertisements cost of engraving and other expenses incurred in the issuing of tax anticipation notes the sum of thirty thousand dollars (\$30,000)

For the payment of the compensation of the Commonwealth's Loan and Transfer Agent for service rendered in connection with the registration transfer and payment of interest on general expense bonds and Veterans' Compensation Bonds and for other services required to be performed by the said Loan and Transfer Agent the sum of twenty-two thousand five hundred dollars (\$22,500)

For the payment of the expenses of publishing statements of the General Fund and other funds of the Commonwealth the sum of twenty thousand dollars (\$20,000)

For refunding the balance due or to become due retired county officers on account of overpayment of any taxes licenses fees or other moneys collected for and paid to the Commonwealth the sum of one thousand dollars (\$1,000)

For refunding to purchasers of stock transfer tax stamps any sums that may be due them upon the surrender and return of such stamps as may be spoiled canceled mutilated or defaced unintentionally by accident or error the sum of two thousand five hundred dollars (\$2,500)

For refunding transfer inheritance taxes on estates of resident decedents paid in error or overpaid the sum of three hundred thousand dollars (\$300,000)

For refunding transfer inheritance taxes on estates of nonresident decedents paid in error or overpaid the sum of one thousand five hundred dollars (\$1,500)

For refunding moneys paid by any person to any professional examining board or advisory committee or to the Department of Public Instruction on behalf of any such board or advisory committee the sum of two thousand five hundred dollars (\$2,500)

For refunding fees paid for notary public commissions when such commissions have not been issued or if issued

have not been received and have been canceled the sum of one thousand five hundred dollars (\$1,500)

For refunding moneys subject to escheat which were paid into the State Treasury either voluntarily or by order of the court to any persons making proof of their ownership or right of possession thereto in the manner provided by law the sum of one hundred thousand dollars (\$100,000)

For the purpose of refunding moneys other than taxes paid into the State Treasury to the credit of the General Fund which refunds are not specifically authorized by any other appropriation the sum of five thousand dollars (\$5,000)

For the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys collected or received by the Department of Revenue for the maintenance support care treatment housing fees or other fees or costs of any inmate pupil patient or student in any State-owned institution and for the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys collected or received by the Department of Revenue to reimburse the Commonwealth for the share which it was supposed to have paid towards the support care and treatment of any pupil or patient in any mental hospital institution for the feeble-minded in part supported by the Commonwealth the sum of twenty-five thousand dollars (\$25,000)

For the purpose of refunding fees paid in connection with renewal applications for registration under The Securities Act which have been canceled before January first of the year for which the fees were paid the sum of five hundred dollars (\$500)

For the payment of approved claims for refunds of liquor taxes including moneys paid for spirituous and vinous liquor tax stamps the sum of five thousand dollars (\$5,000)

For the purpose of refunding collections by the Department of Public Assistance the sum of two thousand dollars (\$2,000)

For the payment of approval claims for refund of cigarette tax permit fees and cigarette tax stamps the sum of five hundred dollars (\$500)

For refunding liquid fuels tax erroneously paid or overpaid into the General Fund the sum of ten thousand dollars (\$10,000)

For the payment of approved claims for refund of fines collected under the provisions of the Motor Vehicle Code the sum of seven thousand dollars (\$7,000)

For the payment of approved claims for refund of moneys paid into the State Treasury under the provisions of section three hundred twenty-one of the act of June second one thousand nine hundred fifteen (P. L. 736) as reenacted and amended by the act of June fourth one thousand nine hundred thirty-seven (P. L. 1552) which section was held unconstitutional by the Supreme Court the sum of two thousand seven hundred twenty-five dollars (\$2,725)

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the general expense bonds issued under authority of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 211) the sum of five million three hundred seventy-five thousand dollars (\$5,375,000) according to the following schedule

Dates	Requirements		
	Principal	Interest	Total
December 1 1941	\$2,500,000.00	\$140,625.00	\$2,640,625.00
December 1 1942	2,500,000.00	93,750.00	2,593,750.00
June 1 1942		93,750.00	93,750.00
June 1 1943		46,875.00	46,875.00
Total	\$5,000,000.00	\$375,000.00	\$5,375,000.00

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the Veterans' Compensation Bonds issued under authority of the act approved the fifth day of January one thousand nine hundred and thirty-four (One thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four P. L. page 219) the sum of seven million four hundred fifty thousand one hundred ninety-two dollars and

fifty cents (\$7,450,192.50) according to the following schedule

Requirements			
Date of Payment	Principal	Interest	Total
September 2 1941	\$	\$ 487,500.00	\$ 487,500.00
November 1 1941		300,000.00	300,000.00
March 2 1942	1,237,253.21	487,500.00	1,724,753.21
May 1 1942	912,843.04	300,000.00	1,212,843.04
September 1 1942		487,500.00	487,500.00
November 2 1942		300,000.00	300,000.00
March 1, 1943	1,237,253.21	487,500.00	1,724,753.21
May 1 1943	912,843.04	300,000.00	1,212,843.04
Total	\$4,300,192.50	\$3,150,000.00	\$7,450,192.50

To the Department of Agriculture

For the payment of the salary of the Secretary of Agriculture the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including the purchase of insecticides for gypsy moth work for testing of animals to prevent spreading of dangerous contagious and infectious diseases for the payment of any loss or damage by dogs to live stock domestic game birds and poultry as provided by law and for the purpose of compensating land owners according to existing law for the loss of cedar trees destroyed by order of the Department of Agriculture to prevent damage to apple orchards by cedar apple rust the sum of one million six hundred sixty thousand dollars (\$1,660,000)

For the payment of the salaries wages or other compensation of employees and for the payment of all other expenses necessary for the proper conduct of the Pennsylvania Official Egg Laying Contest as provided by the act of May twentieth nineteen hundred thirty-one (P. L. 136) the sum of twenty-three thousand dollars (\$23,000)

For the payment of salaries wages or other compensation of employees for the payment of general expenses necessary for the proper conduct of the work of the State Farm Products Show Commission for the payment of premium awards for exhibits at the State Farm Products Show and for the maintenance of the State Farm Show Building and the grounds surrounding it the sum of fifty thousand dollars (\$50,000)

For the purpose of reimbursing incorporated agricultural associations for premiums paid for exhibits of live stock live stock products horticultural products handwork cereals bees and bee products as provided by law Provided That such associations file such reports as may be required by the Secretary of Agriculture the sum of one hundred thousand dollars (\$100,000)

For the payment of indemnities for and payment of expenses of testing animals appraised and destroyed to prevent the spread of dangerous contagious and infectious diseases as provided by law the sum of three million dollars (\$3,000,000)

For the payment of salaries wages or other compensation of employees and for the payment of all other expenses necessary for carrying out the provisions of the "Soil Conservation Districts Law" the sum of fifty-seven thousand five hundred dollars (\$57,500)

To the Department of Banking

For the payment of salaries wages or other compensation of the members and employees and for the payment of general expenses supplies printing and equipment necessary for the administration and enforcement of the Securities Act the sum of one hundred fifteen thousand dollars (\$115,000)

To the Department of Commerce

For the payment of the salary of the Secretary of Commerce the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses advertising supplies printing and equipment necessary for the proper conduct of the work of the department including the work of the department with respect to collecting press information and

distributing it to the several administrative departments boards and commissions and to legislative offices and legislative agencies the sum of two hundred thirty thousand dollars (\$230,000) and in addition thereto any amount appropriated to the department out of the Motor License Fund which shall be credited to the appropriation made by this paragraph and shall be available for the purposes herein enumerated

For the payment of salaries wages or other compensation of a secretary and employees for the payment of traveling expenses of members for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Planning Board the sum of one hundred twelve thousand dollars (\$112,000)

To the Department of Forests and Waters

For the payment of the salary of the Secretary of Forests and Waters the sum of twenty thousand dollars (\$20,000)

For the payment of the salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to forests parks and waters and the Pymatuning Dam the Water and Power Resources Board the Geographic Board the State Forest Commission State Parks Commission and Regional State Park Boards and Flood Prevention and maintenance of dykes along Darby Creek and the Delaware River in Tinicum Township Delaware County for maintenance of Emergency Conservation Work Projects for the purchase of telephone equipment and the cost of telephone rentals at towers district offices ranger stations and other necessary locations for the erection and repairs of buildings the sum of one million fifty thousand dollars (\$1,050,000)

For the payment of expenses incurred for the extinction and control of forest fires the sum of one hundred fifty thousand dollars (\$150,000)

For the payment of salaries wages or other compensation of employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Washington Crossing Park commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of thirty-four thousand eight hundred forty dollars (\$34,840)

For the payment of salaries wages or other compensation of employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the Valley Forge Park Commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of eighty-three thousand eighty-five dollars (\$83,085)

For the payment of salaries wages or other compensation of employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Pennsylvania State Park and Harbor Commission of Erie for the repair and construction of roads dams parking spaces camp sites and buildings for the repair and construction of jetties and other necessary work to protect Presque Isle Peninsula from erosion for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of seventy-one thousand five hundred fifty-four dollars (\$71,554)

For the supervision maintenance improvement regula-

tion and preservation of State parks the sum of eighty thousand dollars (\$80,000)

For the payment of maintenance and improvement of Fort Washington Park the sum of one thousand eight hundred dollars (\$1,800)

For the payment of annual fixed charges as provided by law for county school township and road purposes on lands owned or classified by either the Commonwealth of Pennsylvania or the Federal Government and held or administered as forest reserves auxiliary forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks the sum of two hundred eighteen thousand five hundred dollars (\$218,500)

For the payment of annual fixed charges on lands acquired for the purpose of conservation of water or the prevention of flood conditions as provided by law the sum of fourteen thousand dollars (\$14,000)

For the payment of the salaries or other compensation of a secretary and such employees including among others captains pilots engineers harbor masters firemen deckhands and cooks as may be necessary for the proper conduct of the work of the Navigation Commission for the Delaware River and its navigable tributaries for the payment of the costs of repairs maintenance supplies fuel insurance oil and equipment of patrol boats and for the payment of the rent and care of the offices stationery telephone services subscription to Maritime Exchange books charts and general expenses of the commission the sum of sixty thousand dollars (\$60,000)

For the maintenance of a nautical school located at the Port of Philadelphia by the Navigation Commission for the Delaware River and its navigable tributaries as provided by law the sum of ninety thousand dollars (\$90,000) and in addition to said amount all moneys received by the Commonwealth from the Federal Government in accordance with any act of Congress for this purpose shall be paid into the General Fund and credited to the appropriation made by this paragraph

To the Department of Health

For the payment of the salary of the Secretary of Health the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the Sanitary Water Board the Advisory Health Board and other boards the sum of two million nine hundred forty-seven thousand dollars (\$2,947,000) and in addition to said amount all contributions received by the department from private sources for the express use of the department in public health work shall be paid into the General Fund and credited to this appropriation

For the payment of salaries wages or other compensation of members and employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Board of Housing the sum of fifteen thousand four hundred dollars (\$15,400)

For the payment of salaries wages or other compensation of superintendents and other employees for the payment of general expenses supplies printing and equipment for repairs alterations and improvements to plant and equipment for improvement to land for the purchase of equipment furniture furnishings and live stock for incidental expenses and all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Tuberculosis Sanatoria the Bureau of Tuberculosis Control and Clinics and the State Hospital for Crippled Children including the incidental expenses necessary for the proper conduct of the orthopaedic work of the department and for the purchase of braces jackets artificial limbs and crutches the sum of four million seven hundred fifty thousand dollars (\$4,750,000)

To the Insurance Department

For the payment of the salary of the Insurance Commissioner the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for the payment of costs in court proceedings to forfeit charters of extinct companies the sum of five hundred twenty-five thousand dollars (\$525,000) and in addition to said amount all income and all monies collected by the Insurance Department from foreign insurance companies for examinations made by the Insurance Department and paid into the General Fund of the State Treasury are hereby appropriated out of the General Fund to the Insurance Department and shall be credited to the appropriation made by this paragraph

For the payment of liquidating and dissolution expenses of companies taken in charge by the Insurance Commissioner when the cash assets are insufficient to pay such expenses the sum of fifteen thousand dollars (\$15,000) and in addition there is hereby appropriated for the same purposes the full amount of all sums received from such liquidated assets by way of reimbursement for expenditures previously made from this appropriation which sums so received shall be paid into the General Fund and credited to the appropriation made by this paragraph

To the Department of Internal Affairs

For the payment of the salary of the Secretary of Internal Affairs the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and the Board of Property and the Topographic and Geologic Survey and for the payment of fees to the county commissioners of the several counties of the Commonwealth for data and statistics furnished relative to local taxes the sum of six hundred thousand dollars (\$600,000)

For the payment of the cost of repairing restoring and preserving old records in the custody of the department the sum of twenty thousand dollars (\$20,000)

To the Department of Justice

For the payment of the salary of the Attorney General the sum of twenty-four thousand dollars (\$24,000)

For the payment of salaries wages or other compensation of deputy attorneys general special deputy attorneys general assistant deputy attorneys general special attorneys law clerks and other employees for the payment of compensation of attorneys employed by the several departments boards and commissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of three hundred two thousand five hundred dollars (\$302,500)

For the payment of the salaries wages or other compensation of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to other departments boards or commissions except the counsel and assistant counsel of the Pennsylvania Public Utility Commission and except departments boards or commissions the work of which is supported mainly out of moneys in funds

other than the General Fund for the payment of the salaries wages or other compensation of special deputy attorneys general assistant deputy attorneys general and attorneys appointed to represent the Commonwealth and the several departments boards and commissions thereof in legal matters arising or to be handled in cities counties or districts outside the State Capital or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for traveling and other incidental expenses incurred by the special deputy attorneys general assistant deputy attorneys general or attorneys whose compensation is payable out of this appropriation for the payment of mileage charges to the Department of Property and Supplies for the use of automobiles for any such special deputy attorneys general assistant deputy attorneys general or attorneys and for any contingent expenses incident to their work the sum of two hundred seventy-five thousand dollars (\$275,000)

For the payment of salaries wages or other compensation of a secretary and other employees and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the Board of Pardons the sum of twenty-nine thousand five hundred dollars (\$29,500)

For the payment of expenses necessary for the proper conduct of the work of the Board of Commissioners on Uniform State Laws the sum of two thousand five hundred dollars (\$2,500)

To the Department of Labor and Industry

For the payment of the salary of the Secretary of Labor and Industry the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of the members of the Workmen's Compensation Board Workmen's Compensation Referees Pennsylvania Labor Relations Board the members of the Industrial Board a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the Workmen's Compensation Board the Workmen's Compensation Referees Pennsylvania Labor Relations Board and the Industrial Board and for compensation and expenses of wage boards the sum of two million four hundred twenty-five thousand dollars (\$2,425,000)

For the payment from time to time into the Administration Fund in order to provide funds for the payment of salaries wages or other compensation of employees engaged in the administration of the State-Federal Employment Service and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of this service the sum of four hundred sixty-six thousand six hundred dollars (\$466,600) and in addition thereto and subject to the approval of the Federal government contributions under the Wagner-Peyser Act or any other Federal law toward the expense of conducting this service may be paid into the General Fund and credited to this appropriation for transfer and use as aforesaid

For the payment of salaries wages or other compensation of employees engaged in administration of the laws relating to rehabilitation of persons injured in industry and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to rehabilitation and for the purchase of artificial appliances for and the payment of maintenance cost of physically handicapped persons in training and all other expenses necessary to carry out the provisions of the Rehabilitation Acts the sum of four hundred ninety-six thousand seven hundred fifty dollars (\$496,750) and in addition thereto any contributions from the Federal Government or from any other source for rehabilitation shall be paid into the General Fund and credited to this appropriation

For the payment of the statutory amounts of workmen's compensation and medical hospital surgical and burial expenses to injured employees and dependents of

deceased employees of the various departments of the State government upon claims arising prior to June first one thousand nine hundred and twenty-nine under the Workmen's Compensation Act of one thousand nine hundred and fifteen its amendments and supplements the sum of five hundred dollars (\$500)

To the Department of Military Affairs

For the payment of the salary of the Adjutant General the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputies adjutant general the Division Commander and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including Division Headquarters the United States Property and Disbursing Office State Arsenal State Military Reservation and advisory commissions connected with the department for the making of improvements additions or repairs to existing building roads and utilities on the State Military Reservation and State Arsenal and for the acquisition by purchase or condemnation of additional lands to be used for or in connection with the Military Reservation at Indiantown Gap for the purpose of placing at the disposal of the Governor and making the same available for replacement or repair such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistence quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard may be placed on duty under orders of the Governor under extraordinary circumstances for the protection of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the equipment and maintenance of a Pennsylvania Reserve Defense Corps in the event of the Pennsylvania National Guard being called into active service of the United States and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania soldiers in Federal or State service when in the field on active duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or drought conditions throughout the State or when a disaster occurs for payment of claims against the Commonwealth of Pennsylvania for damages incurred by the operation or training of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps as provided by law for the payment of all necessary expenses supplies printing and equipment including annual allowances for maintenance and armory rent individual pay officers' annual allowances passenger and freight transportation telegrams telephone toll charges subscriptions to The Pennsylvania National Guardsman for distribution to officers and men of the Pennsylvania National Guard in either State or Federal service and the Pennsylvania Reserve Defense Corps the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Property and Supplies for the use of automobiles and other expenses necessary for the maintenance training government discipline and equipment of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps for the payment of claims made by the War Department based upon approved reports of survey covering loss damages or destruction of Federal property for the payment of salaries of members and inspectors of the Armory Board of the State of Pennsyl-

vania for the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of one million eight hundred eighty-eight thousand dollars (\$1,888,000) Provided however That there is hereby appropriated for the same purposes the full amount of all rentals and all other moneys paid into the State Treasury in connection therewith of armories and receipts from public or private sources in payment of costs and material expenses by the Pennsylvania National Guard and the Pennsylvania Reserve Defense Corps in furnishing relief from disaster and all receipts from the Federal Government or other public or private sources for or in connection with services performed by employes of the Department of Military Affairs or for or in connection with the use of property under the control of said department which shall be collected as heretofore and paid into the General Fund and credited to the appropriation made by this paragraph The expenditure of such rentals of armories and other moneys received in connection therewith is hereby authorized for the purchase of furniture furnishings and recreational equipment which may at the discretion of the Armory Board of the State of Pennsylvania be considered essential for the benefit betterment and welfare of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps

Provided further that the Department of Military Affairs shall upon the direction of the Governor allocate from this appropriation from time to time such amounts as he shall deem necessary to defray the expenses of the State Council of Defense and this appropriation is hereby appropriated for such purposes

For the payment of salaries wages or other compensation of the superintendent and other employes for the payment of general expenses supplies printing and equipment for improvements to land for repairs alterations and improvements to plant and equipment for the purchase of equipment furniture furnishings and live stock for expenses of the Board of Trustees and incidental expenses for burial expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Soldiers' and Sailors' Home at Erie as may be authorized and approved by the Adjutant General the sum of two hundred two thousand dollars (\$202,000) Provided That all moneys received from the United States Government by the Governor of Pennsylvania on account of maintenance of the honorably discharged soldiers and sailors or marines in the Pennsylvania Soldiers' and Sailors' Home at Erie shall be paid into the State Treasury through the Department of Revenue

To the Department of Mines

For the payment of the salary of the Secretary of Mines the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the sum of ninety thousand dollars (\$90,000)

For the payment of salaries postage supplies printing and equipment traveling expenses telephone toll charges telegrams freight express cartage and incidental expenses of the anthracite and bituminous mine inspectors the sum of five hundred fifty-seven thousand dollars (\$557,000)

For the payment of expenses of conducting the examination of applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses as provided by law the sum of twelve thousand eight hundred thirty-five dollars (\$12,835)

To the Department of Property and Supplies

For the payment of the salary of the Secretary of Prop-

erty and Supplies the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and Capitol Police the Board of Commissioners of Public Grounds and Buildings and other boards attached to the department for the care maintenance and preservation of public grounds and buildings including the Executive Mansion for the payment of the advertising schedules of supplies the sale of unserviceable property proposals for executing the State printing and binding proposals for any contract work readvertising any schedules or proposals when necessary and all other advertising necessary for the proper conduct of the work of the department the sum of one million eight hundred eighty thousand dollars (\$1,880,000) Provided however That the department shall not use any part of this appropriation for the payment of the salaries wages or other compensation of employes necessary for the cleaning and care of officers or other quarters either in the Capitol Building or elsewhere used by the Department of Banking the Department of Highways and any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds or used by the General Assembly the Judicial Department the Department of the Auditor General the Treasury Department the Pennsylvania Game Commission the Board of Fish Commissioners the Pennsylvania Liquor Control Board the Milk Control Commission or the State Workmen's Insurance Board or for the cleaning and care of offices or other quarters outside the city of Harrisburg used by any other department board or commission or for the cleaning and care of the State Arsenal or any barracks used by the Pennsylvania Motor Police

For the cost of printing and distributing records of the proceedings of the conventions of the Departments of Pennsylvania of the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War as provided by law the sum of seven thousand six hundred dollars (\$7,600)

For the cost of printing and distributing the Capitol News clip sheet and the Pennsylvania State Manual the sum of thirty-five thousand dollars (\$35,000)

For the purchase of fuel water gas steam and electric current and necessary devices for the reception and use of same and for alterations materials supplies repairs equipment renovations and improvements to for or on the State Capitol buildings the public grounds and buildings connected with the State Capitol the Publications Building the Executive Mansion any buildings lands or structures within the City of Harrisburg donated or devised to the Commonwealth and any buildings or monuments of historical interest located anywhere in the Commonwealth except the Liquor Control Board Office Building in Harrisburg for the payment of rents fuel water gas steam electric current and any necessary alterations for any buildings offices or storage space in the city of Harrisburg required for the accommodation of departments supported from the General Fund which had heretofore been provided entirely with space in the Capitol Buildings the sum of five hundred eighty thousand dollars (\$580,000)

For the purchase of automotive equipment aeroplanes and accessories thereto as may be required for use by the several administrative departments boards commissions and officers of the State government except those required for permanent use by the Department of Banking the Department of Highways and the Department of Revenue and any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Pennsylvania Motor Police the Board of Fish Commissioners the Pennsylvania Game Commission the State Farm Products Show Commission the Pennsylvania Liquor Control Board

the Milk Control Commission and the State Workmen's Insurance Board for the payment of the cost of minor repairs to automotive equipment permanently assigned to departments boards and commissions except the Department of Highways and stored at the garage maintained by the Department of Property and Supplies in the city of Harrisburg and for the payment of the cost of oil gasoline tires repairs parts for and repairs to automotive equipment which is not permanently assigned to any department board commission or officer of the State government the sum of four hundred thousand dollars (\$400,000)

For the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of the General Assembly including the printing of the Pamphlet Laws and for the payment of the cost of postage freight express paper and printing of departmental documents distributed to members of the General Assembly in accordance with the law the sum of two hundred fifty thousand dollars (\$250,000)

To the Department of Public Assistance

For the payment of the salary of the Secretary of Public Assistance the sum of twenty thousand dollars (\$20,000)

For the payment of the salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the sum of nine hundred thousand dollars (\$900,000)

For the payment of the salaries wages or other compensation of members and employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Employment Board the sum of one hundred thousand dollars (\$100,000)

To the Department of Public Instruction

For the payment of the salary of the Superintendent of Public Instruction the sum of twenty-four thousand dollars (\$24,000)

For the payment of salaries wages or other compensation of a deputy superintendent and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and the State Council of Education the sum of six hundred thousand dollars (\$600,000)

For the payment of salaries wages or other compensation of employees for the payment of general expenses supplies printing and equipment and for the purchase of books maps charts manuscripts records exchanges pamphlets illustrations lantern slides periodicals parliamentary papers legal books and periodicals subscriptions to newspapers necessary for the proper conduct of the work of the department with respect to the State Library and Museum the sum of two hundred twenty-three thousand dollars (\$223,000)

For the payment of salaries wages or other compensation of a deputy members and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Department of Public Instruction with respect to professional education and licensure and the professional examining boards and advisory committees within the department the sum of five hundred thousand dollars (\$500,000) Provided That no part of this appropriation shall be expended for any purpose other than the work of the department with respect to the certification of teachers professional education and licensure and the professional ex-

aminating boards and advisory committees within the department

For the payment of salaries wages or other compensation of members and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Pennsylvania State Board of Censors the sum of one hundred eighteen thousand dollars (\$118,000)

For the payment of salaries wages or other compensation of a secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Pennsylvania Historical Commission and for the purchase of archaeological collections and maintenance of historical monuments sites buildings and markers as provided by law and as authorized and approved by the Superintendent of Public Instruction the sum of one hundred fifty thousand dollars (\$150,000)

For the payment of salaries wages or other compensation of the presidents or principals and other employees for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Teachers Colleges and the Cheyney Training School for Teachers as may be authorized and approved by the Superintendent of Public Instruction the sum of four million dollars (\$4,000,000) and in addition to said amount all income and all moneys collected at the various State Teachers Colleges and the Cheyney Training School and paid into the General Fund of the State Treasury under existing law are hereby appropriated out of the General Fund to the several State Teachers Colleges and Training Schools for the same purpose each college and school to receive from such appropriation the exact amount which was collected at said school or college during the said fiscal years

For the payment of salaries wages or other compensation of superintendents and other employees for the payment of general expenses supplies printing and equipment for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the hereinafter designated institutions as may be authorized and approved by the Superintendent of Public Instruction in the amounts hereinafter specified

Pennsylvania State Oral School for the Deaf	
at Scranton Pennsylvania	(\$180,000)
Pennsylvania Soldiers' Orphan School at	
Scotland Pennsylvania	(\$380,000)
Thaddeus Stevens Industrial School at	
Lancaster Pennsylvania	(\$ 95,000)

For the payment of salaries of the county superintendents of public schools as required by law the sum of five hundred eleven thousand one hundred fifty-five dollars (\$511,155)

For the payment of the expenses of county superintendents of public schools as required by law the sum of fifty thousand dollars (\$50,000)

For the payment of the salaries of assistant county superintendents of public schools and supervisors of special education as required by law the sum of seven hundred ten thousand four hundred ten dollars (\$710,410)

For the payment of the expenses of assistant county superintendents of public schools and supervisors of special education as required by law the sum of sixty-seven thousand dollars (\$67,000)

For the payment of salaries of members of county boards of school directors the sum of fifty-two thousand eight hundred dollars (\$52,800)

For reimbursement to school districts for transportation of school children as required by law the sum of six million two hundred twenty-nine thousand five hundred dollars (\$6,229,500)

For aid to school districts that now maintain or shall cause to be established and maintained as part of the public school system vocational schools or departments schools for agricultural education industrial training home economics distributive occupations public service occupations and other vocational and practical education for the salaries wages and expenses of employes for general expenses of vocational divisions and the payment to the Department of Property and Supplies of mileage charges for the use of automobiles by traveling vocational education supervisors and for the cost of training vocational teachers in such institutions as the State Council of Education may designate and under such regulations as the State Council of Education may prescribe as provided by law the sum of one million five hundred thousand dollars (\$1,500,000)

For the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians as required by law for the expense of blind students in attendance at institutions of higher learning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on State lands as required by law the sum of three hundred twenty-six thousand dollars (\$326,000)

For reimbursing school districts upon the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of sixty-five million three hundred eighty-eight thousand two hundred eighty dollars (\$65,388,280) Provided That the Superintendent of Public Instruction with the approval of the Governor may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped whenever he shall deem it necessary to make such advanced payments to enable school districts to keep their public schools open

For reimbursing fourth class school districts upon the increase in the salaries of teachers of elementary schools of such districts in accordance with law the sum of three million two hundred thousand dollars (\$3,200,000)

For special education including the payment of the Commonwealth's share in the case of children between the ages of six (6) and twenty-one (21) and the payment of all in the case of pupils under the age of six (6) or over twenty-one (21) of the cost of tuition and maintenance (as determined by the Superintendent of Public Instruction) of Pennsylvania pupils enrolled with the approval of the Department of Public Instruction in schools or institutions for the blind or for the deaf under the supervision of and approved by the Department in accordance with law the sum of one million one hundred fifty thousand dollars (\$1,150,000)

For the payment into the School Employees' Retirement Fund to the credit of the Contingent Reserve Account of the School Employees' Retirement Fund as required by law the sum of two million four hundred fifty thousand dollars (\$2,450,000)

For the payment into the School Employees' Retirement Fund to the credit of the State Annuity Reserve Account Number Two of the School Employees' Retirement Fund as required by law the sum of three million five hundred thousand dollars (\$3,500,000)

For the payment of compensation to former teachers principals supervising principals or superintendents who agree in writing to hold themselves ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teachers when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educa-

tional conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interest as provided by law the sum of two hundred fifty thousand dollars (\$250,000)

To the Pennsylvania Public Utility Commission

For the payment of the salary of the chairman and members of the commission the sum of one hundred one thousand dollars (\$101,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the commission the sum of one million seven hundred fifty thousand dollars (\$1,750,000)

For the payment of such proportion of the cost of installing warning signals for the protection of the public where tracks of railroad corporations or street railway corporations cross public highways other than those State highways designated as primary routes as shall be determined by the commission to be paid by the Commonwealth the sum of fifteen thousand dollars (\$15,000)

To the Department of Revenue

For the payment of the salary of the Secretary of Revenue the sum of twenty-four thousand dollars (\$24,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses rentals equipment and other expenses incidental to the collection of inheritance and estate taxes and mercantile license taxes supplies printing and equipment necessary for the proper conduct of the work of the department for the payment of cost of filing liens for the purchase of tax stamps and for the payment of costs of advertising required by any act of Assembly in connection with the escheat of moneys and property to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of three million forty-five thousand dollars (\$3,045,000) Provided however That to the extent to which appropriations have been made to the department out of special funds for any of the foregoing purposes this appropriation shall not be used for such purposes

For the payment of salaries of the members of the State Athletic Commission for the payment of salaries wages or other compensation of a secretary and deputies and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Athletic Commission as approved by the Secretary of Revenue the sum of ninety thousand dollars (\$90,000)

For the payment of the compensation of informants in escheats and the fees and expenses of escheators in connection with escheat proceedings the sum of five thousand dollars (\$5,000)

For the payment of mileage of appraisers of mercantile and other license taxes the sum of thirty thousand dollars (\$30,000)

For the payment of costs in suits against delinquent dealers for mercantile and other license taxes the sum of five thousand dollars (\$5,000)

To the Department of State

For the payment of the salary of the Secretary of the Commonwealth the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for proof-reading the Pamphlet Laws the sum of one hundred sixty-two thousand dollars (\$162,000)

For the payment of salaries wages or other compensation of commissioners and other employes and for the payment of printing and other expenses of the department in taking the vote of citizens of the Commonwealth who are in the active Military Service of the United

States the sum of one hundred thousand dollars (\$100,000)

For the payment of salaries wages or other compensation of a secretary and other employees and for the payment of general expenses necessary for the proper conduct of the work of the State Employees' Retirement Board the sum of eighty thousand dollars (\$80,000) and in addition to the said amount any monies collected from a public corporation or similar agency in payment of the proportionate share of administering the State Employees' Retirement Fund on behalf of the employees of such public corporation or similar agency whose employees are entitled by law to be members of the State Employees' Retirement System shall be paid into the General Fund and credited to this appropriation

For the payment into the State Employees' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of eight hundred fifty-three thousand seven hundred dollars (\$853,700)

For the payment into the State Employees' Retirement Fund to the credit of the Contingent Reserve Account the sum of six hundred eighty thousand nine hundred dollars (\$680,900)

For the payment into the State Employees' Retirement Fund to cover the additional liability for reserve required by reason of the creation of the Pennsylvania Motor Police Retirement System the sum of fifty thousand dollars (\$50,000)

For the payment of State employees who have retired in accordance with the provisions of the Act of Assembly approved June fourteenth one thousand nine hundred fifteen (P. L. 973) as amended the sum of twenty thousand eight hundred thirty-six dollars (\$20,836)

For the payment of pensions and gratuities that have been granted by law or that may hereafter be granted by law the sum of one thousand eight hundred fifty dollars (\$1,850)

For the payment of the cost of publishing in various newspapers throughout the State the several proposed amendments to the Constitution of the Commonwealth of Pennsylvania the sum of thirty thousand dollars (\$30,000)

To the Pennsylvania Motor Police

For the payment of the salaries wages or other compensation and necessary traveling expenses of the Commissioner and Deputy Commissioner of the Pennsylvania Motor Police the members of the Motor Police force and the other employees of the Pennsylvania Motor Police for the purchase of motor equipment for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Motor Police for the payment of the board lodging uniforms arms and equipment of the Pennsylvania Motor Police force and for medical attendance and hospital charges not covered by insurance for members of such force injured in the line of duty for the payment of premiums on policies insuring the Commonwealth against workmen's compensation liability to all employees or dependents of employees of the Pennsylvania Motor Police for the payment of premiums on policies of insurance covering motor vehicles operated by the Pennsylvania Motor Police and surety bonds for employees of the Pennsylvania Motor Police required to furnish such bonds for the operation and maintenance of the Pennsylvania Motor Police Training School including any branches thereof for the payment of traveling expenses and witness fees in the amount of two dollars (\$2) per capita per diem to witnesses testifying for the Commonwealth at hearings in connection with the work of the Pennsylvania Motor Police and for the payment of fees charged by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found as a result of such examination not to be intoxicated except that no sum in excess of five dollars (\$5) shall be paid to any physician for any such examination for the maintenance and operation of a radio broadcasting station or stations and for the purpose of installing operating and maintaining a teletype or other inter-communication system linking the central office of the Pennsylvania Motor Police and the offices of the various organized police forces of the political subdivisions of

the Commonwealth maintaining night offices and linking such central office with other states using similar systems which cooperate with Pennsylvania in broadcasting police information the sum of one million dollars (\$1,000,000) and any additional sums from time to time transferred from the Motor License Fund and credited to this appropriation in the manner provided by law

To the Department of Welfare

For the payment of the salary of the Secretary of Welfare the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including the cost of a central accounting system for State-owned institutions subject to the supervision of the department the sum of three hundred ninety-two thousand dollars (\$392,000)

For the payment of salaries wages or other compensation of employees and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Council for the Blind the sum of fifty-one thousand dollars (\$51,000)

For the payment of salaries wages or other compensation of the superintendents or wardens and other employees for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses for the payment of gratuities clothing and parole expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Pennsylvania Industrial School at Huntingdon the Pennsylvania Training School at Morgantown the State Industrial Home for Women at Muncy the Eastern State Penitentiary at Philadelphia and Graterford the Western State Penitentiary at Pittsburgh the State Penitentiary at Rockview and any other institution hereafter established for the custody of prisoners as may be authorized and approved by the Secretary of Welfare the sum of seven million five hundred thousand dollars (\$7,500,000)

For the payment of salaries wages or other compensation of the Superintendents and other employees for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Allentown State Hospital at Allentown the Danville State Hospital at Danville the Farview State Hospital at Farview the Harrisburg State Hospital at Harrisburg the Norristown State Hospital at Norristown the Torrance State Hospital at Torrance the Warren State Hospital at Warren the Philadelphia State Hospital at Philadelphia the Wernersville State Hospital at Wernersville and any other institution established for the care and treatment of the insane as may be authorized and approved by the Secretary of Welfare the sum of twenty-two million eight hundred fifty thousand dollars (\$22,850,000)

For the payment of salaries wages or other compensation of the superintendents and other employees for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to lands for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Laurelton State Village at Laurelton the Pennhurst State School at Pennhurst the Polk State School at Polk the Selinsgrove State Colony for Epileptics at Selinsgrove and any other institution established for the care and treatment of mental defectives and epileptics as authorized and approved by the Secretary of Welfare the sum

of three million eight hundred fifty thousand dollars (\$3,850,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the payment of general expenses supplies and printing for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Conneville State Hospital at Conneville the Hazleton State Hospital at Hazleton the Locust Mountain State Hospital at Shenandoah the Nanticoke State Hospital at Nanticoke the Philipsburg State Hospital at Philipsburg the Scranton State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of two million nine hundred thousand dollars (\$2,900,000)

To the Milk Control Commission

For payment into the Milk Control Fund in the State Treasury for the purposes for which such fund is appropriated by law the sum of two hundred forty thousand dollars (\$240,000)

II Legislative Department

For the payment of the expenses of the Legislative Department for two years beginning June one thousand nine hundred and forty-one and also for the expenses of the session and recess of one thousand nine hundred and forty-one not previously provided for the following sums or as much thereof as may be necessary to be paid in the manner prescribed by law Provided That the salaries stationery and mileage of the Members of the Senate and House of Representatives and all the salaries and mileage of the session officers and employes of the legislative session of one thousand nine hundred and forty-three shall only be paid after statement of the amount due the several Senators Members officers and employes shall have been certified to the Auditor General by the President pro tempore of the Senate and the Speaker of the House of Representatives respectively and that the Senators and Members also the officers receiving fixed salaries for said session shall each be paid one-fifth of his total salary each month for the first four months of the session if the Legislature shall be in session that long and the balance on the day fixed for the final adjournment of the Legislature or during the two days previous thereto and that the session officers and employes receiving per diem salaries shall be paid amounts due them at the end of each month during the session except the last month when payment shall be made on the date fixed for final adjournment of the Legislature or during the two days previous thereto

To the Senate

For the payment of the salaries of fifty Senators and extra compensation allowed by law to the President pro tempore of the Senate session of one thousand nine hundred and forty-three the sum of one hundred fifty-one thousand dollars (\$151,000)

For the payment of the mileage of fifty Senators session of one thousand nine hundred and forty-three the sum of eighteen thousand dollars (\$18,000)

For the payment of postage session of one thousand nine hundred and forty-three allowed by law to fifty Senators the sum of seven thousand five hundred dollars (\$7,500)

For the payment of postage session of one thousand nine hundred and forty-three for the chief clerk and assistants the sum of one hundred fifty dollars (\$150)

For the payment of postage session of one thousand nine hundred and forty-three for the Lieutenant Governor the sum of one hundred fifty dollars (\$150)

To the chief clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars session of one thousand nine hundred and forty-three the sum of four thousand five hundred dollars (\$4,500)

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred and forty-three also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provision is not otherwise made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the Senate whose present salaries are provided for in this section the sum of ninety-six thousand dollars (\$96,000) for the two years beginning June first one thousand nine hundred and forty-one

For the payment of the mileage of the officers and employes of the Senate session of one thousand nine hundred and forty-three the sum of two thousand seven hundred dollars (\$2,700)

For the payment of the salaries of the returning officers of the Senate at the beginning of the session of one thousand nine hundred and forty-three the sum of eight thousand dollars (\$8,000)

For the payment of the mileage of the returning officers of the Senate at the beginning of the session of one thousand nine hundred and forty-three the sum of two thousand dollars (\$2,000)

For the payment of the salary of the clerk to the President of the Senate for two years beginning June first one thousand nine hundred and forty-one the sum of four thousand eight hundred dollars (\$4,800)

For the payment of the salary of the secretary of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of fifteen thousand dollars (\$15,000)

For the payment of the salary of the chief clerk of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of twelve thousand dollars (\$12,000)

For the payment of the salary of the assistant clerk of the Senate for the session of one thousand nine hundred and forty-three the sum of two thousand dollars (\$2,000)

For the payment of the salary of the assistant clerk of the Senate for the time employed during the recess periods in the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand eight hundred dollars (\$3,800)

For the payment of the salary of the Librarian of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of nine thousand dollars (\$9,000)

For the payment of the salary of the Assistant Librarian of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of seven thousand two hundred dollars (\$7,200)

For the payment of the salary of the assistant to the secretary of the Senate for the time employed during the recess periods in the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of four thousand two hundred dollars (\$4,200)

For the payment of the salary of the stenographer to the President of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand two hundred forty dollars (\$3,240)

For the payment of the salary of the clerk to the President pro tempore of the Senate for two years beginning June first one thousand nine hundred and forty-one the sum of four thousand eight hundred dollars (\$4,800)

For the payment of the salaries of the stenographers to the Senate Librarian for the time employed during the recess periods in the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of six thousand three hundred dollars (\$6,300)

For the payment of the salaries of two watchmen of the Senate for the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of seven thousand two hundred dollars (\$7,200)

For the payment of the salary of the superintendent of the storeroom of the Senate for the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of six thousand dollars (\$6,000)

For the payment of the salaries of the custodian of the washroom and of the custodian of the basement of the Senate for the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of seven thousand two hundred dollars (\$7,200)

For the payment of the salaries of one custodian of the Senate Chamber and three assistant custodians of the Senate Chamber for the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of nine thousand two hundred fifty-five dollars (\$9,255)

For the payment of the salary of the messenger in the Senate Library for the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of two thousand four hundred dollars (\$2,400)

For the payment of the salary of the clerks to the majority and minority floor leaders respectively of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of nine thousand six hundred dollars (\$9,600)

For the payment of the salary of the pages for the majority and minority floor leaders respectively of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand eight hundred eighty dollars (\$2,880)

For the payment of contingent expenses of the majority floor leader of the Senate including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

For the payment of contingent expenses of the minority floor leader of the Senate including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

To the Secretary of the Senate for the payment of extra services in connection with the compilation of the history of legislation in the Senate session of one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

For the payment of the expenses of the Committee on Appropriations of the Senate during the biennium beginning June first one thousand nine hundred and forty-one and ending May thirty-first one thousand nine hundred and forty-three in investigating schools colleges universities penal institutions mental hospitals medical and surgical hospitals home and other institutions and agencies supported in whole or in part by appropriations from the State Treasury in analyzing reports of said institutions and agencies in examining and analyzing requests of the same and of the various departments boards and commissions of the Commonwealth for appropriations and for the necessary clerical assistance and other necessary expenses in connection with the work of said committee in compiling data and information for the use of said committee and the Senate during legislative sessions and during the interim between legislative sessions the sum of ten thousand dollars (\$10,000) to be paid on warrant of the Auditor General in favor of the chairman of said committee on the presentation of his requisition for the same Of the sum herein appropriated not more than five thousand dollars (\$5,000) shall be expended prior to the beginning of the regular session of the General Assembly of one thousand nine hundred and forty-three If the term of office of the chairman of Committee on Appropriations shall terminate prior to the regular session of 1943 he shall not later than thirty days after such termination and also within thirty days after the adjournment of any regular or special session file an account with the Auditor General of the committee's expenses since the filing of the prior account

For the payment of expenses incident to issuing certificates of election of Senators for the session of one thousand nine hundred and forty-three the sum of seventy-five dollars (\$75) (Act of June fourteenth one thousand nine hundred and eleven)

For the payment of the contingent expenses including clerical stenographic traveling and discretionary charges

of the President pro tempore of the Senate during the recess ending the first Tuesday of January one thousand nine hundred and forty-three the sum of three thousand dollars (\$3,000) or as much thereof as may be necessary and for like expenses for the session of one thousand nine hundred and forty-three the sum of three thousand dollars (\$3,000)

For the payment of the necessary expenses including extra labor in the office of the chief clerk for the year ending May thirty-first one thousand nine hundred and forty-two the sum of five thousand dollars (\$5,000) and for six months ending November thirtieth one thousand nine hundred and forty-two the sum of two thousand five hundred dollars (\$2,500)

For the payment of the incidental expenses of the Senate for six months commencing December first one thousand nine hundred and forty-two and for the entire period of the session of one thousand nine hundred and forty-three should the same extend beyond May thirty-first such sum as may be necessary to be expended by the chief clerk of the Senate who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts but said chief clerk shall at no time have in his hands more than two thousand dollars (\$2,000) for which accounts have not been rendered and settled and the whole amount expended by said chief clerk shall not exceed the sum of eight thousand dollars (\$8,000) out of which amount such necessary extra labor in the Senate shall be paid as shall be certified by the President pro tempore and the chief clerk

For the payment of the postage labor and incidental expenses in the office of the secretary of the Senate for the year beginning June first one thousand nine hundred and forty-one the sum of three thousand dollars (\$3,000) and for the year beginning June first one thousand nine hundred and forty-two the sum of three thousand dollars (\$3,000)

For the payment of postage labor express charges and all other expenses in the office of the librarian of the Senate for the year beginning June first one thousand nine hundred and forty-one the sum of two thousand eight hundred dollars (\$2,800) and for the year beginning June first one thousand nine hundred and forty-two the sum of two thousand eight hundred dollars (\$2,800)

To the Secretary of the Senate for the payment of the expenses of the Senate or committees of the Senate in attending funerals or expenses incident thereto of Senators officers of the Senate or State officials during the two years beginning June first one thousand nine hundred and forty-one the sum of one thousand dollars (\$1,000)

To the House of Representatives

For the payment of the salaries of two hundred and eight members of the House of Representatives and extra compensation allowed by law to the Speaker of the House session of one thousand nine hundred and forty-three the sum of six hundred and twenty-five thousand dollars (\$625,000)

For the payment of the mileage of two hundred and eight members of the House session of one thousand nine hundred and forty-three the sum of eighty-five thousand dollars (\$85,000)

For the payment of postage session of one thousand nine hundred and forty-three allowed by law to two hundred and eight members one hundred fifty dollars (\$150) each the sum of thirty-one thousand two hundred dollars (\$31,200)

For the payment of postage session of one thousand nine hundred and forty-three of the chief clerk and assistants the sum of one hundred fifty dollars (\$150)

To the chief clerk of the House of Representatives for the payment of postage on the Legislative Journal bills and calendar session of one thousand nine hundred and forty-three the sum of ten thousand dollars (\$10,000)

For the payment of salaries of the officers and employees of the House of Representatives session of one thousand nine hundred and forty-three also for the payment of the session and recess salaries of all officers and employees whose positions are now or may be hereafter created and for the payment of which provision is not otherwise

made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in this section the sum of one hundred twenty thousand dollars (\$120,000) for the two years beginning June first one thousand nine hundred and forty-one

For the payment of the mileage of the officers and employes of the House of Representatives session of one thousand nine hundred and forty-three the sum of four thousand dollars (\$4,000)

For the payment of the salaries of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and forty-three the sum of thirteen thousand dollars (\$13,000)

For the payment of the mileage of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and forty-three the sum of three thousand dollars (\$3,000)

For the payment of the salary of the chief clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of twelve thousand dollars (\$12,000)

For the payment of the salary of the Secretary of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of ten thousand dollars (\$10,000)

For the payment of the salary of the assistant to the chief clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of seven thousand two hundred dollars (\$7,200)

For the payment of the salary of the chief stenographer to the chief clerk for the time employed during the recess periods in the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand seventy-five dollars (\$3,675)

For the payment of the salary of the assistant clerk of the House of Representatives for the session of one thousand nine hundred and forty-three the sum of two thousand dollars (\$2,000)

For the payment of the salary of the assistant clerk of the House of Representatives for the time employed during the recess periods in the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand six hundred dollars (\$3,600)

For the payment of the salary of the superintendent of storerooms of the House of Representatives for the time employed during the period beginning June first one thousand nine hundred and forty-one as provided by law the sum of six thousand dollars (\$6,000)

For the payment of salaries of one day watchman and one night watchman of the House of Representatives for the time employed during the period beginning June first one thousand nine hundred and forty-one as provided by law the sum of seven thousand two hundred dollars (\$7,200)

For the payment of the salary of the custodian of the basement of the House of Representatives for the time employed in the period beginning June first one thousand nine hundred and forty-one as provided by law the sum of three thousand six hundred dollars (\$3,600)

For the payment of the salary of the custodian of the Hall of the House of Representatives for the time employed in the period beginning June first one thousand nine hundred and forty-one as provided by law the sum of three thousand six hundred dollars (\$3,600)

For the payment of salaries of the four assistant custodians of the Hall of the House of Representatives for the time employed in the recess period beginning June first one thousand nine hundred and forty-one as provided by law the sum of seven thousand nine hundred eight dollars (\$7,908)

For the payment of the salary of the messenger in the House Library for the time employed in the period beginning June first one thousand nine hundred and forty-one as provided by law the sum of two thousand four hundred dollars (\$2,400)

For the payment of contingent expenses including clerical stenographic traveling and discretionary charges of the Speaker of the House of Representatives during the

recess ending December first one thousand nine hundred and forty-two the sum of three thousand dollars (\$3,000) or as much thereof as may be necessary and for like expenses for the session of one thousand nine hundred and forty-three the sum of three thousand dollars (\$3,000)

For the payment of the salary of the stenographer to the Speaker of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand six hundred dollars (\$3,600) or as much thereof as may be necessary

For the payment of the salary of the parliamentary of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of seven thousand two hundred dollars (\$7,200) or as much thereof as may be necessary

For the payment of the salary of the secretary to the Speaker of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of four thousand eight hundred dollars (\$4,800)

For the payment of the salary of the clerks to the majority and minority floor leaders respectively of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of nine thousand six hundred dollars (\$9,600)

For the payment of the salary of the pages for the majority and minority floor leaders respectively of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand eight hundred eighty dollars (\$2,880)

For the payment of contingent expenses of the majority floor leader of the House of Representatives including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

For the payment of contingent expenses of the minority floor leader of the House of Representatives including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

For the payment of necessary expenses including extra labor in the office of the chief clerk and library for the year beginning June first one thousand nine hundred and forty-one the sum of twenty-two thousand six hundred dollars (\$22,600) and for the six months beginning June first one thousand nine hundred and forty-two the sum of ten thousand nine hundred dollars (\$10,900)

For the payment of the incidental expenses of the House of Representatives for the six months commencing December first one thousand nine hundred and forty-two and for the entire period of the session of one thousand nine hundred and forty-three should the same extend beyond May thirty-first to be expended by the chief clerk who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts The whole amount thus expended by the chief clerk shall not exceed the sum of twenty thousand dollars (\$20,000)

To the chief clerk of the House for the payment of extra services in connection with the compilation of the history of legislation in the House session of one thousand nine hundred and forty-three the sum of two thousand five hundred dollars (\$2,500)

For the payment of the expenses of the Committee on Appropriations of the House of Representatives during the biennium beginning June first one thousand nine hundred and forty-one and ending May thirty-first one thousand nine hundred and forty-three in investigating schools colleges universities penal institutions mental hospitals medical and surgical hospitals homes and others institutions and agencies supported in whole or in part by appropriations from the State Treasury in analyzing reports of said institutions and agencies in examining and analyzing requests of the same and of the various departments boards and commissions of the Commonwealth for appropriations and for the necessary clerical assistance and other necessary expenses in connection with the work of said committee in compiling data and information for

the use of said committee and the House of Representatives during legislative sessions and during the interim between legislative sessions the sum of twelve thousand dollars (\$12,000) to be paid on warrant of the Auditor General in favor of the chairman of said committee on the presentation of his requisition for the same of the sum herein appropriated not more than seven thousand five hundred dollars (\$7,500) shall be expended prior to the beginning of the regular session of the General Assembly of nineteen hundred and forty-three. The chairman of the Committee on Appropriations shall not later than thirty days after the termination of his term of office and also within thirty days after the adjournment of any regular or special session file an account with the Auditor General of the committee's expenses since the filing of the prior account.

For the payment of the postage labor and express charges and all other expenses in the office of the secretary of the House for the year beginning June first one thousand nine hundred and forty-one the sum of three thousand five hundred dollars (\$3,500) and for the year beginning June first one thousand nine hundred and forty-two the sum of three thousand five hundred dollars (\$3,500).

For the payment of the expenses incident to issuing certificates of election to Members of the House of Representatives for the session of one thousand nine hundred and forty-three (Act of June fourteenth one thousand nine hundred and eleven) the sum of seven hundred fifty dollars (\$750) to be paid by the State Treasurer on warrants of the Auditor General upon presentation of vouchers approved by the Speaker of the House of Representatives.

To the chief clerk of the House of Representatives for the payment of the expenses of the House of Representatives or committee of the House of Representatives in attending funerals or expenses incident thereto of Members of the House of Representatives officers of the House of Representatives or State Officials during the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand dollars (\$3,000).

Legislative Journals

The expenses for paper and printing of the Legislative Journals shall be paid out of the appropriation for paper and printing made to the Department of Property and Supplies contained in this act.

For the payment of the chief clerk of the Senate and the chief clerk of the House of Representatives the sum of seven hundred fifty dollars (\$750) each for making indices for the journals of each House for the session of one thousand nine hundred and forty-one the sum of one thousand five hundred dollars (\$1,500).

For the work of the Legislative Journal officials after the close of the session of one thousand nine hundred and forty-one of the Legislative Journals also the proof-reading of the appendix and index thereto as provided by law the sum of four thousand five hundred dollars (\$4,500).

For the payment of the person or persons appointed to index the Legislative Journals session of one thousand nine hundred and forty-three the sum of one thousand five hundred dollars (\$1,500) in accordance with the act establishing said journals.

Legislative Miscellaneous

For the payment of wages and other compensation of employes for the payment of expenses of members in attending conferences when designated by the Governor the President pro tempore of the Senate or the Speaker of the House of Representatives and for the payment of the general expenses necessary for the proper conduct of the work of the Commission on Interstate Cooperation the sum of five thousand dollars (\$5,000) to be paid on warrants of the Auditor General in favor of the chairman of said commission on the presentation of his requisition for the same. The chairman shall file an accounting of said expenses with the Auditor General.

For the payment of wages and other compensation of

employes for the payment of general expenses necessary for the proper conduct of the work of the Interstate Commission on the Delaware River Basin created by the Commission on Interstate Cooperation the sum of twenty-five thousand dollars (\$25,000) to be paid on warrants of the Auditor General in favor of the chairman of said commission on the presentation of his requisition for the same. The chairman of said commission shall file an accounting of said expenses with the Auditor General.

For the payment of traveling and other expenses of the members of the General Assembly of Pennsylvania appointed by the President pro tempore of the Senate and the Speaker of the House in attending the meetings of the American Legislators' Association and the Council of State Governments the sum of two thousand five hundred dollars (\$2,500) to be paid on warrants of the Auditor General in favor of the President pro tempore of the Senate or the Speaker of the House of Representatives on presentation of his requisition for the same. The President pro tempore or the speaker shall file an accounting of said expenses with the Auditor General.

For the support of the Council of State Governments and the Interstate Legislative Reference Bureau established by it to co-ordinate the work of the various State Legislative Reference Bureaus and other official agencies dealing with legislative matters the sum of ten thousand dollars (\$10,000). One-half of said appropriation shall be paid during each fiscal year of the biennium in equal quarterly installments on requisition drawn by the Auditor General. Warrants for such payments shall be drawn to the order of the Executive Director of the Council of State Governments who shall file an accounting of said expenses with the Auditor General.

For the payment of premiums on surety bonds for Chairmen and officers of the Senate and House of Representatives to be paid by Chief Clerks of each House for the two years beginning June first one thousand nine hundred forty-one the sum of six hundred dollars (\$600).

For the support of the Interstate Commission on Crime the sum of three thousand dollars (\$3,000). One-half of said appropriation shall be paid during each fiscal year of the biennium in equal quarterly installments on requisition drawn by the Auditor General.

To the Joint State Government Commission

For the payment of wages and other compensation of the employes and for the payment of general expenses necessary for the proper conduct of the work of the Joint State Government Commission the sum of one hundred and fifty thousand dollars (\$150,000) to be paid on warrants of the Auditor General in favor of the chairman of said commission on the presentation of his requisition for the same. The chairman shall file an accounting of said expenses with the Auditor General.

To the Legislative Reference Bureau

For the payment of the salaries of the director assistant director chief compiler compiler and bill drafter compiler and bill reading clerk search clerk messenger and file clerk chief clerk reference librarian stenographers charwomen regularly employed and bill book clerks and stenographers for the two fiscal years beginning June first one thousand nine hundred and forty-one and for the session of the General Assembly of one thousand nine hundred and forty-three and for maintenance law books incidental expenses traveling expenses and emergency clerical help and emergency assistants if needed for two years for the Legislative Reference Bureau the sum of ninety-four thousand dollars (\$94,000).

III Judicial Department

For the payment of the salaries of the judges of the Supreme Court and Superior Court the salaries and mileage of the president and other law judges of the several courts of common pleas in the Commonwealth and the judges of the several orphans' courts and for the compensation of common pleas judges holding court in other districts and for the payment of salaries and mileage of associate judges the following sums or as much thereof

as may be necessary for the two fiscal years beginning June first one thousand nine hundred and forty-one payments to be made monthly by warrant drawn by the Auditor General on the State Treasurer except in the case of associate judges who shall be paid quarterly on August thirty-first November thirtieth February twenty-eighth and May thirty-first of each year but when by reason of death or resignation salary for a fraction of a quarter is due any judge it shall be computed according to the ratio it bears to the whole quarter so as not however to increase or diminish the salary he is entitled to receive under the several acts of Assembly fixing the compensation of judges Provided That at the beginning of the term the interval from the first Monday of January to the first Monday of March shall be reckoned as two-thirds of a quarter and at the close of the term the interval from the first day of December to the first Monday of January shall be reckoned as one-third of a quarter

Supreme Court

For the payment of the salaries of the Supreme Court Judges the sum of two hundred seventy-four thousand dollars (\$274,000)

For the payment of the salaries or compensation of the briefers investigators stenographers typewriters and clerks and to reimburse the judges of said court for expenses incurred in the discharge of their duties or attendant upon execution of the duties of the office the sum of fifty-six thousand dollars (\$56,000)

For the payment of salaries wages and other compensation of a deputy prothonotary and other employees in the office of the Prothonotary of the Supreme Court for the eastern district and employees in the library of the Supreme Court at Philadelphia for the purchase of stationery supplies and the payment of the necessary expenses of the Supreme Court for the eastern district thereof for the purchase of books and necessary expenses of the library of the Supreme Court at Philadelphia the sum of sixty-five thousand two hundred dollars (\$65,200)

For the payment of salaries wages and other compensation of a deputy prothonotary and other employees in the office of the Prothonotary of the Supreme Court for the western district thereof for the purchase of stationery supplies books for the library and other necessary expenses of the Supreme Court western district the sum of thirty thousand seven hundred dollars (\$30,700)

For the payment of salaries wages and other compensation of the Prothonotary and other employees in the office of the Prothonotary of the Supreme Court for the middle district and for the payment of expenses for the Supreme Court in the middle district and the Superior Court of Harrisburg the sum of eleven thousand one hundred dollars (\$11,100)

For the payment of the salary and expenses of the crier tipstaves official stenographers court officers and law secretary of the Chief Justice of the eastern middle and western districts and for premiums for workmen's compensation insurance covering all employees of the Supreme Court the sum of seventy-one thousand four hundred and ninety-six dollars (\$71,496) Provided That the crier for the middle district shall receive no other compensation from the State

For the payment of the fees of the prothonotaries of the Supreme Court of the eastern middle and western districts on assignment of judges to counties other than their own under an order of the Supreme Court dated February nineteen one thousand nine hundred and nineteen the sum of four thousand five hundred dollars (\$4,500) payments to be made monthly by the State Treasurer on warrants drawn by the Auditor General

For the payment of expenses of Board of Governance of the Pennsylvania Bar the sum of ten thousand dollars (\$10,000)

For the payment of the expenses of the Procedural Rules Committee appointed by the Supreme Court to assist it in the preparation revision promulgation publication and administration of general rules of practice for the courts of this Commonwealth the sum of twenty-five thousand dollars (\$25,000)

For the payment of the cost of painting a portrait of Chief Justice William I Schaffer the sum of seven hundred and fifty dollars (\$750)

In the case of necessary expenses stationery supplies and books for the eastern western and middle districts herein provided for the same shall be paid on warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the Prothonotary of the said Supreme Court for the particular district thereof

Superior Court

For the payment of the salaries of the judges of the Superior Court the sum of two hundred fifty-three thousand dollars (\$253,000)

For the payment of the salaries or compensation of the clerks briefers investigators stenographers and typewriters of the Superior Court and to reimburse the judge of said court for expenses incurred in the discharge of their duties the sum of forty-nine thousand dollars (\$49,000)

For the payment of the salaries and expenses of the crier and necessary tipstaves of the Superior Court and for premiums for workmen's compensation insurance covering all employees of the Superior Court the sum of sixty thousand dollars (\$60,000)

For the purchase of dockets stationery supplies books for the library and other necessary expenses of the said Superior Court of its officers the sum of twelve thousand dollars (\$12,000) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said Superior Court Philadelphia Harrisburg and Pittsburgh

Common Pleas Courts

For the payment of the salaries of the judges of the courts of common pleas learned in the law in the several judicial districts of the Commonwealth the sum of three million forty-four thousand dollars (\$3,044,000)

For the payment of the compensation carfare and expenses of Judges for holding court outside of their own judicial districts in accordance with law the sum of one hundred thousand dollars (\$100,000)

For the payment of mileage allowed common pleas judges in judicial districts containing more than one county as provided by law the sum of five thousand dollars (\$5,000)

For the payment of the judges of the courts of common pleas of Dauphin County for clerk hire in accordance with the law and for premiums for workmen's compensation insurance covering such clerks the sum of nineteen thousand two hundred dollars (\$19,200)

Orphans' Courts

For the payment of the salaries of the orphans' court judges in the several judicial districts in which separate orphans' court have been established by law the sum of six hundred eighteen thousand dollars (\$618,000)

Municipal Court of Philadelphia

For the payment of the salaries of the judges of the Municipal Court of Philadelphia in accordance with law the sum of two hundred twenty-one thousand dollars (\$221,000)

County Court of Allegheny County

For the payment of the salaries of the judges of the County Court for County of Allegheny the sum of one hundred twenty-one thousand dollars (\$121,000)

To the Juvenile Court of Allegheny County

For the payment of the salary of the judge of the Juvenile Court of the County of Allegheny the sum of twenty thousand dollars (\$20,000)

Retired Judges

For the payment of the salaries of the judges of the Supreme Superior common pleas and orphans courts who may resign or retire in accordance with the provision of the act of Assembly approved June twelfth Anno Domini one thousand nine hundred and nineteen (P. L. 461) the sum of one hundred thousand dollars (\$100,000)

Associate Judges

For the payment of the salaries of the associate judges the sum of fifty thousand dollars (\$50,000)

For the payment to the associate judges of mileage for the two fiscal years beginning June first one thousand nine hundred and forty-one the sum of seven thousand dollars (\$7,000)

State Reporter

For the payment of the salary of the State Reporter the sum of ten thousand dollars (\$10,000)

For the payment of the salary of the Assistant State Reporter the sum of six thousand dollars (\$6,000)

For the payment of stationery clerk hire and assistants the sum of fourteen thousand dollars (\$14,000)

Section 3 This act is not intended to be inconsistent with or to repeal any provision of any act enacted at this or any prior session of the General Assembly regulating the purchase of supplies the ordering of printing and binding the purchase maintenance and use of automobiles the method of making payments from the State Treasury for any purpose or the functioning of any administrative department board or commission

Section 4 No appropriation made by this act to any department board commission or agency of the Executive Department shall be available unless and until such department board commission or agency shall have complied with sections 604 605 and 606 of The Administrative Code

Section 5 The term "employees" as used in this act shall include all directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineer surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants in any department board and commission

Section 6 The term "general expenses" shall include all printing binding and stationery food and forage materials and supplies traveling expenses motor vehicles, supplies and repairs freight express and cartage postage telephone and telegraph rentals and toll charges newspapers advertising and notices fuel light heat power and water contracted repairs rent of real estate and equipment premiums on workmen's compensation insurance premium on policies of liability insurance covering the operation of permanently assigned automobiles premiums on surety bonds the purchase of equipment and machinery other than passenger motor vehicles and all other incidental costs and expenses including payment to the Department of Property and Supplies of mileage charges for the use of automobiles and of expenses or costs of services incurred through the Purchasing Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barr,	Detrick,	Lanier,	Stevenson,
Bartlett,	Dent,	Mallery,	Taylor,
Carr,	Ealy,	McQuiddy,	Thomas,
Chapman,	Edmonds,	Miller,	Tyler,
Coleman,	Farrell,	Ruth,	Wade,
Cox,	Geltz,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	James,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SENATE BILL No. 1186 ON THIRD READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1186, on third reading, page 20 of the Calendar.

Mr. WALKER. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1186, entitled:

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen; and making an appropriation.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

(During the calling of the roll the following occurred:)

POINT OF PARLIAMENTARY INQUIRY

Mr. BARR. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. BARR. Mr. President, I understand this is a bill that carries an appropriation, and I would like to know whether it requires a two-thirds majority?

The PRESIDENT. Thirty-four votes are required.

Mr. BARR. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman from Allegheny, Mr. Barr, votes how?

Mr. BARR. I desire to change my vote from "aye" to "no."

MOTION THAT SENATE BILL No. 1186 GO OVER IN ORDER

Mr. GELTZ. Mr. President, before the vote on Senate Bill No. 1186 is announced, I move that it go over in its order.

Mr. MILLER. I second the motion, Mr. President.

Mr. BARR. Mr. President, voting under a misapprehension, I would like to vote "aye" on this bill.

Mr. GELTZ. Mr. President, I would like to insist on my motion.

The PRESIDENT. The Chair must take the position the Chair can not entertain a motion of this kind after the roll has been called. The roll call must be completed. The proper procedure then would be to move to reconsider the vote by which the bill either passes or falls.

MOTION WITHDRAWN

Mr. GELTZ. I therefore withdraw the motion that Senate Bill No. 1186 go over in its order.

Mr. MILLER. I withdraw my seconding of the motion, Mr. President.

The PRESIDENT. The motion is withdrawn.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, the question raised by the gentleman from Allegheny, Mr. Barr, makes me feel that I voted under a misapprehension. I did not recognize that this bill requires a two-thirds vote, and since there are not thirty-four members present tonight, I should like to change my vote from "aye" to "no."

The PRESIDENT. The vote of the gentleman from Philadelphia will be so recorded.

Mr. GELTZ. I desire to change my vote from "aye" to "no," Mr. President.

The PRESIDENT. The vote of the gentleman from Allegheny will be so recorded.

Mr. DENT. Mr. President, I desire to change my vote from "aye" to "no," having voted under a misapprehension.

The PRESIDENT. The vote of the gentleman from Westmoreland will be so recorded.

The PRESIDENT. How does the gentleman from Allegheny, Mr. Barr, now desire to vote?

Mr. BARR. I wish to be recorded as voting "aye," Mr. President.

The PRESIDENT. It will be so recorded.

The PRESIDENT. For the information of visitors, who may not be familiar with legislative procedure, the Chair wishes to explain the action on this bill. The first bill, which was voted on tonight, required only twenty-six votes in order to assure its passage. This bill now under consideration is a special appropriation bill, and under the Constitution it requires the votes of two-thirds of the members of the Senate, which is thirty-four votes, and there are not that many Senators present.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barr,	Crowe,	Mallery,	Taylor,
Bartlett,	Deltrick,	McQuiddy,	Thomas,
Becker,	Ealy,	Miller,	Tyler,
Carr,	Edmonds,	Ruth,	Wade,
Chapman,	Farrell,	Scarlett,	Watkins,
Coleman,	Homsher,	Snowden,	Wilson, H. I.,
Cox,	James,	Stevenson,	Woodward,
Crider,	Lanius,		

NAYS—3

Dent,	Geltz,	Shapiro,
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Less than a constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

VOTE RECONSIDERED

Mr. SHAPIRO. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1186, entitled:

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen; and making an appropriation

was defeated finally, June 13, 1941.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "nay."

Mr. GELTZ. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "nay."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Ordered, That the bill be printed for the use of the Senate.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 1189, entitled:

A Joint Resolution proposing an amendment to section four article two of the Constitution of the Commonwealth of Pennsylvania

Mr. MALLERY, from the Committee on Law and Order, reported as amended, Senate Bill No. 700, (House Bill No. 99), entitled:

An Act to amend sections one and two of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities," by exempting certain clubs from such limitation.

Mr. CROWE, from the Committee on Military Affairs, reported as committed, Senate Bill No. 790, (House Bill No. 90), entitled:

An Act providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as United Spanish War Veterans, Inc.

Mr. THOMAS, from the Committee on County Government, re-reported as committed, Senate Bill No. 957, (House Bill No. 529), entitled:

An Act to further amend section 571 of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that the tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond.

Mr. BARTLETT, from the Committee on Military Affairs, reported as amended, Senate Bill No. 1111, (House Bill No. 1559), entitled:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities bor-

oughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including certain officers and soldiers of the United States Army, Pennsylvania National Guard and Pennsylvania Reserve Defense Corps, within the definition of "peace officer."

Mr. CRIDER, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 1131, entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims, taxes, penalties, interests and costs, such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

Mr. CHAPMAN, on behalf of Mr. STIEFEL, from the Committee on Appropriations, reported as committed, Senate Bill No. 1173, entitled:

An Act authorizing the Department of Property and Supplies to purchase coal underlying the Cresson State Sanatorium and making an appropriation therefor.

Mr. CHAPMAN, on behalf of Mr. STIEFEL, from the Committee on Appropriations, reported as committed, Senate Bill No. 1188, entitled:

An Act making an appropriation for the purpose of reconstruction, preservation and maintenance of public roads, and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

Mr. HOMSHER, from the Committee on Banking, reported as amended, Senate Bill No. 1153, (House Bill No. 1513), entitled:

An Act to further amend section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled as amended "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons co-partnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" by exempting assets held by liquidating trustees.

PERMISSION TO ADDRESS SENATE

Mr. SHAPIRO. Mr. President, I ask permission to address the Senate.

The PRESIDENT. If there is no objection the gentleman from Philadelphia will proceed.

Mr. SHAPIRO. In a statement to the General Assembly which the Governor made yesterday, he said, "I have carefully refrained from injecting political considerations into the situation." He refers, of course, to the controversy arising over the budget estimates. But I call attention to the fact that the Governor has forgotten that on May 17, dealing with the same situation, he said,

"If Pennsylvania's government is thrown into turmoil for lack of the necessary legislation to keep it in operation, the entire responsibility for that will

be upon the shoulders of a little handful of so-called leaders in the Democratic party who now appear to be setting themselves up as financial experts.

"In connection with their budget, my principal hope is that the estimates of the State's income were not made by the same Democratic gentlemen who in Pennsylvania in 1938 estimated a Democratic victory by more than half a million votes."

I said yesterday, and I repeat today, I shall make every effort to discuss this matter calmly and without injecting personalities or politics, but I must state at the outset that I do not agree that the Governor has "carefully refrained from injecting political considerations into the situation." The statement which he made on May 17th and the language he used in referring to those of us who had anything to do with the preparation of the budget may be fitting for soap-box ward politicians, but are beneath the dignity of the high office which he occupies.

It is neither good manners nor dignified to invite people to listen to you and when they accept your invitation to insult them.

This is not the address of a Governor who wants to focus the attention of the legislators on their public duty, but rather the statement of a Governor who wants to focus the attention of the public on the legislators with whom he does not agree in order to put them in an unfavorable light.

Since my colleagues, Senator Mundy and Senator Dent, have very ably answered the political implications of his speech, I propose to turn my attention to the few, and I may say very few, factual allegations which appear in the address concerning the budget. I find it very difficult, however, to cull out from this political speech any particular point which has been developed with sufficient clarity to understand and completely answer. It is impossible to understand what the Governor means.

This I know, it is not true that the delay in action on the budget will compel the State to stop payment to the first, second and third class school districts, to 200 State-aided hospitals and homes, to State-aided welfare institutions, or to State-aided universities and medical colleges.

This I also know, it is not true that the failure to pass the budget has prevented long overdue checks from being sent to these institutions "weeks and months ago." And, this I also know, it is not true that the failure to pass the budget before June 1st justifies the Governor in stating that thousands of teachers' salaries are still unpaid and in gratuitously adding that this was the "result of the vicious political tactics of these representatives of Pennsylvania's men and women."

And, I also know that any one who has the slightest knowledge of the fiscal program of this Commonwealth knows that the total amount that this Commonwealth is obligated to pay the schools and colleges up to June 1, 1941, was fully provided for in the 1939 budget, and everyone with the slightest knowledge of the fiscal program of this Commonwealth also knows that the moneys payable to these same institutions out of the 1941-43 budget are not yet due.

What checks, therefore, can be long overdue, which could have been sent "weeks and months ago"? What \$85,445,700, which the Governor describes as a "staggering total" prevents the payments of these checks which could have been sent "weeks and months ago"? What pledge was made by both Democratic and Republican

members of the Legislature which borrowed from certain Funds to maintain relief? And, what did that pledge have to do with preventing the checks being sent to these institutions "weeks and months ago"?

If the Governor refers to the transfer acts in the 1940 special session he knows, or should know, that most, if not all, the Democratic members of the Legislature voted against the transfers and specifically because there was no provision for their repayment within the biennium.

If the Governor means that the failure to pass the 1941-43 budget has prevented the repayment of these borrowed funds, he is correct; but when he states that the failure to repay these moneys to these Funds has resulted in long overdue checks which could have been sent out to these institutions "weeks and months ago" he must know that that statement is absolutely untrue, because these funds must be repaid not to the General Fund but to the special Funds; and their repayment has absolutely nothing to do with the payment or nonpayment of funds to institutions.

The Governor well knows that there are, or at least that there should be, no funds due or long overdue to these institutions because the appropriations in the 1939-41 budget made ample provision for these payments. What, then, does the Governor mean when he makes the statement that "today is the last day on which action can be taken without violating our specific pledge as to the time when these borrowings are repaid"? To whom was this pledge made and to whom is this repayment to be made? And, the pledge is not to repay any money to institutions. The pledge was made to repay to the Motor License Fund and the other special Funds listed by the Governor in his address on Page 3, which were diverted from these Funds in the 1940 session to meet relief requirements.

These deliberate and wilful misstatements of fact and confusion of ideas make it difficult for me to either understand the Governor's address or withhold criticism of his political vituperation. I can only explain his address on the theory that "him whom the gods would destroy, they first make mad."

Delving into the Governor's statement, I find that the theme song of the whole address is, to use the words of the Governor, that "this situation is due to the deliberate action of a group of Democrats in the House of Representatives who bottled up the budget program when it was presented last February 3, and kept it under lock and key until the closing days of May, when it was changed to a form not acceptable under the laws of this Commonwealth and passed by the House too late for the necessary and proper corrections to be made before this biennium began."

I charge, with full knowledge of what I am saying, that this is an attempt to create an issue based on a false premise in an attempt to cover up the picture, which is unpleasant to the Governor, of the Democratic Party carrying out the promises of a Republican Governor by reducing the taxes which he promised to eliminate. My proof positive of that statement is this:

The Governor of this Commonwealth, when he made the statement that we, the Democratic Party, have bottled up the appropriation bill until it is too late, knew and shut his eyes to the fact that in 1939 he did not present his budget message until February 17th, and that in

1939 he did not introduce the budget appropriation until May 17th, and that his Legislature, controlled in both Houses by the Republicans, did not pass the general appropriation act until May 29, 1939. Was the 1939 budget bottled up? Why is May 29th not too late in 1939, but much too late in 1941?

I have confidence in the good sense and in the memory of the American people and Pennsylvanians are no exception to that rule. Most of them, in determining whether they will accept the Governor's budget without question and reject the budget prepared by the Democratic Party as the product of "amateurs" will probably bring to mind this picture: First, the 1939 budget with the Governor's experts' estimate of \$121,000,000 for relief; second, the unnecessary expenditures of \$350,000 to pay for a special session in order to correct the mistake of the Governor's expert budget makers; third, the diversion of the road money and the depriving of local governments of their share of the liquid fuel tax in order to hide the first mistakes of the Governor's expert budget makers; fourth, they will remember the estimate of the expert budget makers of the Governor, prepared for the 1940 special session, that \$71,000,000 was all that would be necessary for relief; fifth, they will recall that on February 3, 1941, the Governor, in his budget message told the General Assembly that \$71,000,000 was not enough and that \$14,500,000 additional would be needed—mistake number three. They will then recall that since that date the Governor has asked for and received an additional \$6,150,000 for relief to the end of this biennium—mistake of the expert budget makers number four. They will recall also that in that same message on February 3, 1941, the Governor said that there would be an increase of \$5,000,000 in the revenue over the estimates for the current biennium. They will recall that on May 21st of this year the Governor issued a statement that instead of the increase in estimate of revenue of \$5,000,000 for the past biennium his expert budget makers now estimate, with equal expertness, that there will be a deficit of \$9,000,000—mistake number five. We were told this mornnig, however, that the deficit is but \$5,400,000.

The question I ask now is, "What have these expert budget makers done to provide for the shortage which now exists in the Governor's budget of \$10,400,000 arising out of the difference between the estimated \$5,000,000 increase in revenue for the last biennium and the now estimated deficiency of \$5,400,000, or a total of \$10,400,000?"

This succession of continual mistakes or misstatements in the budgets made by so-called experts ought to convince a fair-minded person to be cautious in his criticism.

Actually there is very little difference between the budget estimates prepared by the Governor's experts and those prepared by the Democratic Party. The real difference lies in the fact that we claim, from as thorough an investigation as possible and from the information made available—in many instances by the Department heads themselves that there will be an increase in several of the major taxes—principally in gasoline taxes, net corporate income tax, and the liquor tax.

The best way to answer this question is for the Departments to present all the available information to the

Conference Committee for their consideration. If this is done I am sure that no member of the Committee will be stubborn enough to ignore the facts. There is no occasion for name calling and there is no justification for perverting the facts.

The failure to act on this budget has not caused any of the delays or the failure to pay the moneys due the schools, hospitals and institutions, as the Governor has said. What really happened was this:

As far back as February, 1941, although the money was available, payments to these schools and institutions have been withheld by the Governor of this Commonwealth for the purpose of maintaining the cash position in anticipation of a disagreement between a Democratic House and a Republican Senate. But the fact is that the revenue was provided under the 1939 budget and the money was always available, and is there now, to pay the schools, hospitals and institutions. I challenge any one to produce the proof to the contrary. It may very well be that the condition has been aggravated by an estimated deficiency of \$5,400,000 in the 1939-41 revenue as against the estimated increase of \$5,000,000.

But that does not change the fact concerning the procedure, which was begun in February, 1941, when the Governor anticipated an increase in receipts.

Frankly, I suggest that the procedure adopted in February made cooperation more difficult. To anticipate a disagreement before a discussion in governmental affairs is never conducive of good government. I have always believed and shall continue to believe that after the political battle is over, irrespective of whose candidate the Governor may have been, he is the Governor of all the people. I believe that the Governor of this Commonwealth has the duty of paving the way for cooperation between the two legislative bodies. It was his duty and it would have been extremely helpful if he had initiated proceedings along those lines immediately after the Legislature convened. There can be no doubt that to engender strife is not one of his obligations or prerogatives, but that, on the contrary, he should use the power of his office to pour water on the flames of Party differences.

My beliefs on this subject I have stated and shown frequently in various ways. I have repeatedly suggested a conference between the leaders of both branches of the Legislature in which the Governor should participate, to the end that we may reach a common ground. Not only have these suggestions been ignored, but the Governor of this great Commonwealth, by his address yesterday, has added fuel to the flames which he should have extinguished. In spite of all that I submit that it is still not too late. But the next move should come from the other side.

Mr. EDMONDS. Mr. President, I have listened to the address of the gentleman from Philadelphia with a very great deal of interest and there are two comments I would like to make thereon.

The first has to do with the gentleman's criticism of the Governor's budget for the past biennium, which arises out of the fact that there is now ten million dollars that is due to various agencies of local government from the state and which has not yet been paid to them, as follows:

To second and third class school districts, \$2,426,000; to first class school districts \$1,475,000; to state aided univer-

sities and colleges, \$2,492,000; to state aided hospitals, \$2,248,000; which, roughly speaking, is about nine million dollars.

That money has not been paid to them according to legislative promise, and it is a pity it has not been paid to those institutions relying upon receiving punctually the money they get from the state, but where the gentleman from Philadelphia goes wrong is where he confuses the budget with the cash position of the Commonwealth. It is perfectly true there is money in the treasury to pay these debts; it is also perfectly true there is an obligation on the part of the Commonwealth to pay weekly the checks for assistance and if the cash position of the Commonwealth is impaired too greatly it might have the very serious effect of postponing weekly payments for assistance, which is needed by a great many families.

My feeling, therefore, is that in curtailing payments to the various school districts and other agencies to which we have appropriated money, and in curtailing them in order to build up a proper cash position in the state, the Governor was acting very wisely.

Our colleague from Philadelphia says he did so in anticipation of a disagreement between the two Houses. I think it was wise for the Governor to do so in anticipation of anything. As a matter of fact, there has been a disagreement between the two Houses and today the situation is still where it is because of the fact that the Democratic House has passed a tax anticipation note bill, from which extra cash could be secured, basing it upon a budget which has been made by the members of the House and not upon the budget that has been made by the proper law officers of the Commonwealth.

Mr. President, I want to say a word or two with reference to the method of making a budget. It happens to be a part of the history of Pennsylvania with which I have been personally familiar for many years. Down to 1921 the budgets that were presented to the General Assembly were very crude, and in large measure consisted of nothing but letters from the Governor or the State Treasurer or the Auditor General, each of whom reported upon what the income might be from the various taxes that were under their control.

In 1921 there was passed an act whereby the state assumed a large portion of the salaries of public school teachers. That added, according to estimates, thirty-five millions of dollars to the expenditures of the state. A number of fresh taxes were imposed to provide that, but the Legislature had no definite estimates as to what amounts would be produced and the consequence was, when the end of that biennium was reached, the state had made good on its obligations to the public schools but the income of the state had not been sufficient to pay the others. That produced what was called a mess and on the basis of cleaning up that mess Pinchot ran for the governorship, the first time, in 1922, and among the promises he made at that time, if he were to be elected governor, was that he would not only clean up the financial mess but he would institute a budget system in the Commonwealth.

There was a great demand in the Legislature of 1923, of which Senator Woodward was a member and Senator Henry I. Wilson was too, I think, a member, and I was also a member of the House—there was a very great demand that the promise of Governor Pinchot should be carried

out. I have on my desk a copy of the Administrative Code passed in 1923, which has the first provision for a budget officer, and which established a budget officer as a branch of the office of the Secretary of the Commonwealth and prescribed the methods that were to be adopted in framing a budget each year.

Then, years after that time, the Department of Revenue was created, in a large measure as a result of a series of recommendations of the Pennsylvania Tax Commission of 1923 to 1927, and when the Department of Revenue was created the provisions for making a budget were renewed strongly and revised.

I ask my friend from Philadelphia, Mr. Shapiro, to read the act of 1929, which is the Fiscal Code, particularly sections 601, 602 and 603, which relate to the framing of the budget, and I will take the time myself—or I wonder if Senator Mallery would be good enough to read two paragraphs for me; my voice is not quite as strong as I would like it to be—Senator Mallery, if you will read those two paragraphs I would appreciate it very much, and then I want briefly to comment on them.

(Mr. Mallery read the following:)

"The Budget Secretary may, under the direction of the Governor, make further inquiries and investigations as to the financial needs, expenditures, estimates, or revenues, of any department, board, commission, institution, or other agency. The Governor may, after giving to each department, board, commission, institution, or other agency, an opportunity to be heard, approve, disapprove, or alter the estimates. The Budget Secretary shall, on or before the first day of January next succeeding, submit to the Governor, in writing, the above information, and any additional information requested by the Governor, as a basis for the Governor's estimates for appropriations for the next succeeding biennium.

"As soon as possible, and not later than four weeks after the organization of the General Assembly, the Governor shall submit a state budget, embracing therein the amounts recommended by him to be appropriated to the General Assembly, the Judicial Department, the Governor, and the several administrative departments, boards, and commissions of the state government, and to institutions within the state, and for all other public purposes, the estimated revenues or receipts from any and all sources, and an estimated amount to be raised by taxation or otherwise. Together with such budget, the Governor shall transmit the estimates of receipts and expenditures, as received by the Budget Secretary from the officers in the Executive, Legislative, and Judicial Departments."

Mr. EDMONDS. Now, Mr. President, I ask the gentleman from Philadelphia to point out one particular in which this law has not been complied with. The law directs the budget secretary to secure the estimates of income and expenditures, it directs that those figures shall be given to the Department of Revenue, which shall then assemble them and deliver them to the Governor, and if the Governor approves, he shall deliver them to the General Assembly, and that way we have a budget. In February of 1941 we received a budget in that way. What then is causing the trouble? That is the way it has been done for the last eleven years, in fact, since 1923, taking the original office of the budget secretary when he was attached to the Secretary of the Commonwealth, but this year it happens that two or three of the members of the

General Assembly—and I think I can name and look at one gentleman of the General Assembly in the Senate, and I think I can name also and find without too much difficulty another member of the General Assembly over in the House—these two gentlemen have proceeded to make up a budget of their own, and having made that budget, they insist the Governor must accept their budget for his standard of expenditures.

In my judgment, Mr. President, that is a procedure wholly unknown to law in Pennsylvania and I say to my friend one of the things I think characterizes the difference between the body on the left and that on the right is that over on this side we have a great deal of respect for doing things in an orderly manner.

If in the first place what you had wanted to do was to make suggestions you should have adopted a resolution inquiring from the Governor whether there were any changes in his figures, if you wanted to consider this or that element, and that would have been the orderly way.

The orderly way in Pennsylvania of making a budget is to have figures assembled by the budget secretary, to have the estimates of revenue computed by the Department of Revenue, to have the approval of the Governor, and then have the whole thing submitted to the General Assembly.

Now, that has been done as far as the executive department is concerned, but the House has not accepted it. Instead they have preferred to send to us another budget, the Shapiro-Achterman budget, which has been developed by these gentlemen from their own economic study. I have no quarrel with them for making that economic study. I rather admire their industry in proceeding along that line but I call attention to the fact that there is nothing in the law that makes the Shapiro-Achterman budget have higher standing than the budget submitted by the Governor of the Commonwealth of Pennsylvania.

We on this side stand for an orderly and legal method of establishing a budget, and we say to the gentlemen on the other side you shall not break the law in this particular and we will not; we know very well we will not and we know very well you shall not.

Under those circumstances when the House says "we will take an immature budget worked out by a few of our members and make that the figure on which tax anticipation notes may be borrowed," we must say we will not agree with that; we stand absolutely by the budget prepared by law and we ask you whether you have not sworn to observe that law as much as we did when you took your oaths of office, and if that is the case is it not binding upon you just as much as it is upon us?

That seems to us to be clear, and under those circumstances, while not attempting to enter into the personal reflections mentioned by the gentleman from Philadelphia, I will say to him very frankly on the fundamental question that ours is the budget prescribed by law and under those circumstances ours is the budget which ought to be accepted as the basis of financing for the next biennium.

Mr. SHAPIRO. Mr. President, I think the Senators ought to keep order and ought not make any demonstrations.

The PRESIDENT. The Senate will be in order. The Chair suggests the gentleman from Philadelphia make use of the microphone, so that the Chair may hear.

Mr. SHAPIRO. Mr. President, I do not propose to allow the gentleman from Montgomery to switch the subject

of my statement, which was that the Governor has misrepresented the situation. If the Governor wants to maintain a cash position by not paying monies provided for in the budget at the time provided in the budget, that is up to him, but he has no right subsequently to say that because we do not pass the budget in 1941, which has nothing to do with the 1939 payments, that we, by failing to pass it on time, have withheld or prevented payments to institutions and thereby stopped the functions of those institutions. That, in my opinion, is a political statement based on a misrepresentation of facts, and that is what I said.

Secondly, Mr. President, I want to answer the gentleman's statement that we, on the other side, as he says should observe the law. He had the gentleman from Altoona, Senator Mallery, read section 602 of the 1929 pamphlet laws, 177, called the Administrative Code, with which I am very familiar, and the gentleman read that the Governor, among other things—

Mr. EDMONDS. Mr. President, it was the fiscal code of 1929.

Mr. SHAPIRO. Mr. President, I said 1929.

Mr. EDMONDS. The gentleman called it the Administrative Code.

Mr. SHAPIRO. I called it the Administrative Code, Mr. President, and that is what I thought it was. The Fiscal Code was passed in 1929 also, but not 177. Section 602 may have been read from the April Act, which I believe was passed the same year and Section 602, as the gentleman will recall, says the Governor "shall, not later than four weeks after the General Assembly convenes, present a budget," and this other side, which so strictly adheres to the law, started out the 1939 administration by violating the law, in not filing a budget until seven weeks afterwards, February 17, 1939, and when we called that to the attention of the gentleman on the other side they just paid no attention, as if they were not interrupted. That certainly is not following the law.

When the budget requirements for hospitals, and payments therefor, require they shall be made by certain dates and the Governor for his own purposes changes the payments to preserve his cash position, that is a violation of the law, and when the Governor gets information from his budget secretaries, which he ignores, in my opinion that is a violation of the law, that provision of the law which governs the procedure for making up the budget. I have indicated in every session we have had that the Governor has misstated the amount of the budget, the amount of the necessities for relief, and I have indicated that the Governor, instead of accepting, instead of going through any budgetary proceedings provided for under the Fiscal Code, first has ascertained how much money it is possible to raise and then has proceeded to spend only so much money as he thought he could get, irrespective of the necessities.

I mean by that when the Governor was told in 1939 he would need two hundred million dollars for relief he disregarded those estimates and made it \$121,000,000. He really made it \$129,000,000 but when he ran short of funds he changed it to \$121,000,000.

In 1940, when the Governor was told he would need \$93,000,000 for relief, he disregarded those figures and he changed that to \$71,000,000, and he then caused the expenditure of \$350,000 by not following the procedure

which the gentleman from Montgomery has referred to. The proof of that is that we are now appropriating that same twenty million dollars which he was told would be needed in this session, because when the Governor provides for the taking of funds out of special funds, out of one session, and not paying them back in cash until the next session, that in my opinion violates the law.

Now, Mr. President, to get back to my original statement. I am answering the gentleman from Montgomery not because this has nothing to do with the statement I made, but I deny the other side follows the law and I charge that the Governor disregarded every rule of procedure of the law in the making of his budget and I have proof of it by the statement I have made and his record on relief and his record on his own budget.

I say there is no law on any of the statute books which says this Legislature is powerless to meet a situation, such as when the Governor says we will only receive four million dollars from a certain item and the facts show we will receive forty million dollars. I say there must be no restriction in the law that the Legislature must continue to impose taxes at \$27,000,000 if the income of the government does not require it. If we are right, that the income will be more than the Governor says it will be, and if that income will enable a reduction in taxes, it would be a sad state of affairs, assuming that was true, that somebody should dig up a procedure which was set up for the purpose of estimating those figures, and say to the gentlemen of the Legislature "you are powerless, the people of Pennsylvania must continue to pay four mills personal property tax," even though three mills is only necessary on the figures.

Let us stick to that subject and let us not confuse it with the question as to who is violating the law. I stated the Governor made a misrepresentation of the facts and I think I have proved that. The money that has not been paid to institutions has been held up because he has refused to pay them with the money that he has and proposes to use it for what he thinks, in his opinion, a better way to do it. That may be his right, and he can assume the responsibility, but he has no right to say that the reason the money is not being paid is because we fail to pass the budget.

Mr. President, I deny that this Legislature is powerless to cut taxes, to three mills from four, if the revenue is there; and if the revenue is there all we have to do is prove it to the Governor and as a practical proposition he had better accept the new revenue.

Mr. MALLERY. Mr. President, if I understood my colleague from Philadelphia correctly, I understood him to stress the fact that there will be a considerable increase in the revenue derived from the gasoline tax. I should like to remind the Senator from Philadelphia that the Senate has passed a bill that would appropriate, by reason of this increased revenue from the gasoline tax, money to the various cities, including Philadelphia and all of the cities of the Commonwealth, as well as all of the boroughs and townships of the first-class. That I consider as making good use of that increased revenue.

Properly, I consider, the Legislature in years heretofore has appropriated money to townships of the second-class. I can conceive of no reason why appropriately the Legislature should not have appropriated money to townships of the first-class, boroughs and to cities.

Now the Senate has taken, I believe, appropriate action allocating a fair proportion of the gasoline taxes to all of the various municipalities of this state. That, I think, possibly would account for the Governor's action. That bill remains in a committee in the House.

The Senate decisively took the position that a reasonable proportion of the gasoline tax should be appropriated not only to townships of the second-class but also to townships of the first-class and to the boroughs and to all of the cities in the Commonwealth, including the City of Philadelphia and the City of Pittsburgh, and all of the cities of the third-class.

Mr. DENT. Mr. President, I think we are getting to that hour in the morning when most of us are a little tired, and being the youngest man in the Senate I think if I am tired some of you oldsters are a darn sight more tired than I am.

However, Mr. President, I can not help but think that if the law prescribes the method and the manner in which the budget is established, then there is not much sense in the Legislature discussing the fiscal affairs of the state if the law prescribes the manner and the method in which the budget is computed—that is a cold I have; I do not know where I got it; it is sort of like the Governor's budget; I can not regulate it; but seriously, Mr. President, tonight we have witnessed for the first time where the second team was called in. I will still carry the ball myself.

If what the gentleman from Montgomery said is true, then that part of this so-called democracy that the gentleman from Schuylkill, Senator Watkins, is disturbed about, that first part of the democracy, that triumvirate, if you please, the legislative branch, loses its identity because it no longer acts in its proper sphere; it does not have the right to criticize the Governor or to amend the Governor's figures or the budget.

Suppose we get a scoundrel for Governor—I did not say "got," I said "get"—suppose we get a scoundrel for Governor who does not care about the facts, who takes figures that are not true and gives this Legislature a budget based upon figures that are not right. Then, Mr. President, does this Legislature have to sit idly by and obey a law allowing him to create a budget—in his own words, "It is a humbug and a fraud"?

I am convinced from past experience, since Governor James was elected, that we Democrats have been right. We called the turns; we have said that certain things would happen and they happened. I said last night and I repeat again that the Governor's figures are not right, that within the next year he will find, you will find, that there will be a great deal more returned from the taxes imposed upon the people in the industries of Pennsylvania than what he accounts for in his budget.

We Democrats, in the interest of saving the expenses of a special session, are trying to point out to him now that if he will take cognizance of the fact that there is an increased activity in all the industrial fields, that more money will be returned to the coffers of the State of Pennsylvania than he thinks there will be, and if he will recognize that fact we will not have to spend \$350,000 or \$400,000 for a special session, in order to reduce taxes then that we can reduce now.

So I say that the legislature and the Democratic controlled house is acting in its proper sphere, within the

jurisdiction provided by law, and it is pointing out to the Governor, if you please, that his budget, in their estimation, is wrong and I think that is proper.

Mr. President, I heard the law read by the eminent gentleman from Blair County and I still think the Legislature has the right to say to the Governor "you are wrong in your figures; these are the figures we think are right." If he does not want them that is his business, but I want to assure the gentleman from Montgomery, Senator Edmonds, that we believe in law over here; in fact we believe in it more than you do because when you recessed in 1939 you violated the law, because we were out of session and the Governor could not report to the Legislature as prescribed by law. When I pointed that out on the floor of the Senate there was not one voice raised to protect the position you put yourselves in.

Now, as I have stated before, it is getting late and I have to drive two hundred some miles to get home and incidentally—this is beside the point, but there are a couple of kids back there that would like to see their pop now and then.

Mr. EDMONDS. Mr. President, may I say to the gentleman from Westmoreland I hope very much he goes home and enjoys his family life over the week end, but I want him to take this thought home with him and think it over: we in Pennsylvania have an executive budget and that executive budget is fixed by the law and our statutes. There are states that have legislative budgets. The gentleman from Philadelphia, Dr. Woodward, has tried from time to time to get some sort of a bill introduced which would provide for a legislative examination. That has never been put on the statute books of Pennsylvania.

If you can get a change in the law that would put in the law that all future budget revenue estimates should be made by the Chairman of the House Committee on Appropriations and the Senate Minority Leader, if you could once put that on the Statute books, we will acknowledge you are proceeding in an orderly manner, but until that time you are proceeding in a disorderly manner.

I do not think the budget estimates have been anything like as bad as the gentleman from Philadelphia has said. We come to the end of the 1939-41 biennium with a \$5,400,000 shortage, with something like \$358,000,000 of collections, and that I think is remarkably good budget-making, and I think the estimates which have come from the Department of Revenue in the past have been estimates which were as accurate as could have been made by any group of men, and therefore I am not willing to have it said the Governor's estimates are faulty all the way through.

It seems to me what we have is a situation in which a couple of members of the Legislature have gone out and made an investigation of their own, and I commend them for that—but having done that they insist it must be read into the law, and they can not do that under the budget law as it is established here in Pennsylvania. We stand for a regular method of doing things and in doing that I think we are all united.

BILL INTRODUCED

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 1190, entitled:

An Act making an appropriation to the Department of Public Instruction for the cost of improving, repairing,

operating and maintaining the Thaddeus Stevens Industrial School at Lancaster, Pennsylvania.

Which was committed to the Committee on Appropriations.

SENATE BILL No. 381, (HOUSE BILL No. 1537), CALLED UP FROM TABLE

Mr. MILLER. Mr. President, I now call up Senate Bill No. 381, Printer's No. 429, from the table, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes by counties of the second, third, fourth, fifth and sixth classes.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

SENATE NON-CONCURS IN AMENDMENTS MADE BY HOUSE TO SENATE BILL No. 381, PRINTER'S No. 429

Mr. MILLER. Mr. President, I move that the Senate do non-concur in the amendments made by the House to Senate Bill No. 381.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. TAYLOR. Mr. President, I second the motion.
The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 700, (House Bill No. 99), entitled:

An Act to amend sections one and two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting certain clubs from such limitation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 790, (House Bill No. 90), entitled:

An Act providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as United Spanish War Veterans Incorporated.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1111, (House Bill No. 1559), entitled:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring power and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including certain officers and soldiers of the United States Army, Pennsylvania National Guard and Pennsylvania Reserve Defense Corps, within the definition of "peace officer"

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1131, entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims, taxes, penalties, interests and costs, such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1153, (House Bill No. 1513), entitled:

An Act to further amend section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled as amended "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" by exempting assets held by liquidating trustees.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1173, entitled:

An Act authorizing the Department of Property and Supplies to purchase coal underlying the Cresson State Sanatorium and making an appropriation therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1188, entitled:

An Act making an appropriation for the purpose of reconstruction, preservation and maintenance of public roads, and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1189, entitled:

A Joint Resolution proposing an amendment to section four article two of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, June 16, 1941, at 3:30 o'clock, p. m. Eastern Standard Time.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

The Senate adjourned at 1:30 o'clock, a. m., Eastern Standard Time until Monday, June 16, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., MONDAY, JUNE 16, 1941.

No. 72.

SENATE

MONDAY, June 16, 1941.

The Senate met at 3:30 o'clock, p. m., E. S. T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the gentleman from Berks, Dr. RUTH, offered the prayer.

Almighty God, Our Heavenly Father, as we come to Thee at the beginning of this new week we thank Thee for the rest and the happy appointments we have had over the week-end, in meeting new friends, and may the spirit which Thou gave us help us this week to do our work in a spirit of friendship and truth. Guide us each day that we may do Thy will so that when the consummation of our work is completed, someone may say, well done. We ask it in Thy Holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. EALY and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. BARR asked and obtained leave of absence for the Senator from Allegheny, Mr. McGINNIS, for the balance of the week.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 16, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, June 16, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss M. Eleanore Adams, Pittsburgh, 1803 Law and Finance Building.

F. A. Rehorst, Pittsburgh, H. K. Porter Co., Inc., 49th and Harrison Streets.

Miss M. D. Roberts, Pittsburgh, 2816 Smallman Street.
Miss Esther Stevenson, Pittsburgh, 1105 Grant Bldg., 330 Grant Street.

Luther F. Taylor, Carnegie.

Miss Bessie Ward, Pittsburgh, 615 Pittsburgh Life Building.

BEAVER COUNTY

Miss Margaret Brock, Beaver Falls.

BERKS COUNTY

Henry C. Cummings, Reading.

S. Warren Romig, Reading.

DELAWARE COUNTY

William D. Sherrard, Upper Darby Twp., 207 South State Road, Upper Darby.

LANCASTER COUNTY

Miss Frances M. Neff, Lancaster.

Miss Eleanor L. Stewart, Manheim Twp., Armstrong Cork Co., W. Liberty Street, Lancaster.

LEBANON COUNTY

Miss M. Naomi Hartz, Lebanon.

LUZERNE COUNTY

Thomas Dobson, Wilkes-Barre.

LYCOMING COUNTY

Daniel H. Bower, Loyalsock Twp., R. D. 1, Williamsport.

NORTHUMBERLAND COUNTY

Mrs. Arlene E. Hoover, Shamokin.

PHILADELPHIA COUNTY

Louis F. Glud, Philadelphia, 4640 Roosevelt Blvd.

ARTHUR H. JAMES

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EDMONDS

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Reed,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	Homsher,	Scarlett,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deltrick,	Jaspan,	Snowden,	Wilson, T. B.,
Dent,	Kephart,	Stevenson,	Ziesenheim,
DiSilvestro,	Lanius,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence, bills of the House, as follows:

House Bill No. 361, (Senate Bill No. 1191), entitled:

An Act making an appropriation to the City of Harrisburg to compensate for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capital City.

Which was committed to the Committee on Appropriations.

House Bill No. 486, (Senate Bill No. 1192), entitled:

An Act to facilitate vehicular traffic between the western and eastern sections of the Commonwealth, and afford transportation for defense purposes by providing for the construction, operation and maintenance of a turnpike, from a point at Middlesex in Cumberland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of New Jersey; and conferring powers, and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, and for the cost of maintenance, operation, and repair of the turnpike, making such turnpike bonds exempt from taxation, constituting such bonds legal investments in certain instances, requiring suits against the commission to be brought in Dauphin County, prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation, and restoration of public roads and state highways affected by the turnpike; providing for condemnation, granting certain powers and authority to municipal subdivisions, and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Which was committed to the Committee on Highways.

House Bill No. 667, (Senate Bill No. 1193), entitled:

An Act creating an independent board to be known as The Regulatory Board of Review; conferring powers and duties on said Board, describing procedure on appeals to said Board and to the courts of common pleas; and making an appropriation.

Which was committed to the Committee on Judiciary General.

House Bill No. 1121, (Senate Bill No. 1194), entitled:

A Further Supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect.

Which was committed to the Committee on Appropriations.

House Bill No. 1129, (Senate Bill No. 1195), entitled:

An Act to further amend subsection (a) of section six of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "Fiduciaries Act of 1917," eliminating requirements for advertising and for appointment of masters where value of estates of presumed decedents is not in excess of five hundred dollars.

Which was committed to the Committee on Judiciary General.

House Bill No. 1177, (Senate Bill No. 1196), entitled:

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," by allocating fees for inspection certificates for promotion of highway safety.

Which was committed to the Committee on Highways.

House Bill No. 1263, (Senate Bill No. 1197), entitled:

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

Which was committed to the Committee on Judiciary General.

House Bill No. 1390, (Senate Bill No. 1198), entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented.

Which was committed to the Committee on Appropriations.

House Bill No. 1420, (Senate Bill No. 1199), entitled:

An Act to amend the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "Intangible Personal Property Tax Law" as amended, by imposing the tax upon personal property held and managed in this Commonwealth, owned, held or possessed by residents as trustees, agents, or attorneys-in-fact jointly with one or more trustees, agents, or attorneys-in-fact domiciled in another state, and by imposing the tax upon equitable interests of residents in personal property held and managed in another state, where the legal title to such personal property is held by more than one trustee, agent or attorney-in-fact, one or more

of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth.

Which was committed to the Committee on Finance.

House Bill No. 1425, (Senate Bill No. 1200), entitled:

An Act authorizing the appointment of a commission to make a thorough study of the laws relating to crime and criminal procedure in this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings and recommendations to the General Assembly; and authorizing the commission to employ counsel and employees; and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 1430, (Senate Bill No. 1201), entitled:

An Act to further amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "Rural State Highway Law" by changing certain routes and adding certain new routes.

Which was committed to the Committee on Highways.

House Bill No. 1431, (Senate Bill No. 1202), entitled:

An Act to further amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (Pamphlet Laws 1172) entitled "Borough Rural State Highway Law" changing certain routes and adding certain new routes.

Which was committed to the Committee on Highways.

House Bill No. 1432, (Senate Bill No. 1203), entitled:

An Act to further amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "City State Highway Law," by changing certain routes and adding certain new routes.

Which was committed to the Committee on Highways.

House Bill No. 1511, (Senate Bill No. 1204), entitled:

An Act making an appropriation for the expenses of the Committee of the House of Representatives created by House Resolution Serial Number thirty-five, adopted the twenty-fourth day of February, one thousand nine hundred and forty-one.

Which was committed to the Committee on Appropriations.

House Bill No. 1611, (Senate Bill No. 1205), entitled:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owners

Which was committed to the Committee on State Government.

House Bill No. 1621, (Senate Bill No. 1206), entitled:

An Act to add section forty-three to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "Transfer Inheritance Tax Law," authorizing compromise of tax claims in cases where there is a dispute as to the domicile of the decedent.

Which was committed to the Committee on Finance.

House Bill No. 1665, (Senate Bill No. 1207), entitled:

An Act to amend section six hundred five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code" by providing that said section shall not apply to certain games or devices where free plays are given or allowed; and providing that such free plays shall not be considered things of value.

Which was committed to the Committee on Judiciary General.

House Bill No. 1705, (Senate Bill No. 1208), entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by changing certain routes and adding certain new routes.

Which was committed to the Committee on Highways.

House Bill No. 1722, (Senate Bill No. 1209), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor

Which was committed to the Committee on Appropriations.

House Bill No. 1729, (Senate Bill No. 1210), entitled:

An Act to add section fourteen and one-tenth to the act, approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled, as amended "Flood Control Law," authorizing the Secretary of Highways and the various political subdivisions, with the approval of the Water and Power Resources Board, to grant easements and flowage rights to the Federal Government, over certain highways, roads, streets and bridges.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1748, (Senate Bill No. 1211), entitled:

An Act to further amend section two of the act, approved the first day of May, one thousand nine hundred seven (P. L. 135), entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas, the orphans' courts, courts of oyer and terminer and general jail delivery, and courts of quarter sessions of the peace, of this Commonwealth, as well as before commissioners, masters, and special masters in chancery, referees, examiners, auditors, and other officers; prescribing their powers and duties, and when such reports shall be evidence of the facts reported; prescribing their compensation and allowances for expenses, when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed, and when the parties to such proceedings; and repealing an act, entitled 'An act directing the appointment of official stenographers in the several civil courts of this Commonwealth; authorizing the appointment of stenographers by examiners, masters, referees, commissioners, and auditors; authorizing the appointment of assistant stenographers; repealing 'An act to authorize the appointment of stenographers in the several courts of this Commonwealth, prescribing their duties and fixing their compensation,' approved May fifteenth, one thousand eight hundred and seventy-four; repealing 'An act to authorize the appointment of stenographers in the several courts of this Commonwealth, prescribing their duties and fixing their compen-

sation," approved May eighth, one thousand eight hundred and seventy-six, and repealing "An act defining the duty of court stenographers in the several counties in this State," approved June tenth, one thousand eight hundred and eighty-one," approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven; but such repeal not to revive any law repealed by the said act of twenty-fourth of May, one thousand eight hundred and eighty-seven," further prescribing regulations for the furnishing of copies of testimony.

Which was committed to the Committee on County Government.

House Bill No. 1760, (Senate Bill No. 1212), entitled:

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal, directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employes and expend funds; and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 1766, (Senate Bill No. 1213), entitled:

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "School Employes Retirement Law," defining the rights and obligations of members of the School Employes' Retirement Association engaged in active military service.

Which was committed to the Committee on Education.

House Bill No. 1795, (Senate Bill No. 1214), entitled:

An Act to further amend clause (c) of section two thousand four hundred six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by further providing for the distribution of the State Manual.

Which was committed to the Committee on State Government.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Fayette will proceed.

Mr. CAVALCANTE. Mr. President, in my remarks of June 5th, on the passage of the "box-car" trucking bill, I stated substantially that the bill was the offspring of bribery, conspiracy and corrupt party leadership; that it had been sponsored and promoted through the Assembly by vicious and powerful interests with the aid of cash paid on the barrel-head to influence its passage; that even though the plain provision of the Constitution made doubtful their right to participate in the vote or discussion upon the bill, some members of the Assembly displayed no concern or hesitancy to so participate; that a non-legislative Democratic leadership centered in Philadelphia and Allegheny contributed their influence and coercion to effect the passage of the bill notwithstanding its knowledge that tremendous sums of money were on the barrel-head to promote this purpose; and that I honestly felt that a criminal conspiracy existed within this Democratic leadership to control and influence pending legislation. Since

the date of my remarks, a member of this Senate, like a Shylock, has impetuously, mercilessly and inconsiderately demanded the pound of flesh nearest my heart. In kindness to the gentleman, I refrain at this time to explore his motives in this particular. It is justice, however, that I acknowledge my supreme gratitude to those of my colleagues, both Republican and Democrat, who have calmly, mercifully and considerately allowed me to plead the case within my constitutional prerogatives and those of this Senate. As a courtesy and a token to better judge my remarks, I trust the gentleman from Philadelphia will view me without hate as one who needs not put the hand in the riven side in order to believe. I strongly urge the gentleman to modify his superior and dictatorial mood so that prejudgment may be avoided and, so that the gentleman may hear the case with fairness and with the astuteness, intelligence and resourcefulness with which the gentleman is so abundantly endowed.

As to conspiracy. During the early stage of this present session there was formed in Allegheny and Philadelphia Counties two combinations consisting of Democratic leaders. These two combinations are respectively known as the Allegheny County Democratic Legislative Caucus and the Philadelphia Democratic Legislative Caucus. It is known, and public property, that Democratic members of the Assembly participate in meetings held by these combinations in Pittsburgh and Philadelphia, respectively, and that these members act in concert and to a common end with non-legislative participants of the combinations. Proof of the existence and the doings of these combinations have long become public property. The Pittsburgh Sun-Telegraph writes:

"The Allegheny County Democratic legislative caucus has approved tax abatement legislation provided it includes all taxing bodies and is made optional with the authorities.

"City Treasurer James P. Kirk favors an abatement bill in the belief that it will enable many persons recently re-employed to save their homes by paying off back taxes without the burden of penalties and interest.

"County Commissioner John J. Kane is not enthusiastic over the abatement bill. He recently expressed belief that the principal ones to benefit so far have been corporations and speculators.

"The caucus delayed action on the House resolution for investigation of smog conditions in Pittsburgh, on the bill setting up an eight-hour day for Pittsburgh firemen, and the Brown resolution to investigate the County and Common Pleas Court set-up.

"Liquor legislation. Representatives of the Retail Liquor Dealers were given a hearing on amendments dealers seeking to the state liquor laws.

"The dealers are asking extensions of the selling hours, a tightening of entertainment restrictions to make 800 square feet of floor space necessary for such activity instead of 400, and an increase in club license fees.

"In Pittsburgh, clubs pay a license of \$50 while the retailers must pay \$600.

"The caucus gave tentative approval to five new bills simplifying the tax sale procedure."

Exhibit 19, dated March 2, 1941.

The remarks of the learned gentleman from Philadelphia, Mr. Stiefel, on Page 484 of the Journal are now proof of the existence and activity of this combination in Philadelphia. The unity of purpose, the unity of design, and the focalization of effort projected by this twin combina-

tion on the passage of the "box-car" trucking bill and other matters, in my opinion, is flagrant and notorious. Proof of this is public property. The Pittsburgh Sun-Telegraph writes:

"The strategy on the truck bill took into account that Lawrence could not afford to quarrel with Kelly. Lawrence and Kelly control the House."

Exhibit 14, the big truck.

"Lawrence has been in almost constant attendance at the Legislature, and the controlling force in the Democratic House rests in the Lawrence-Kelly combination."

Exhibit 6, dated June 8, the Pittsburgh Post-Gazette writes:

"Both Philadelphia Chairman John B. Kelly and Democratic National Committeeman David L. Lawrence supported the original House Bill. . . .

"Today, it was brought out that two of the most active 'lobbyists' for the bill are James P. Clark, Philadelphia trucking magnate, and Harry Davis, personal representative of Joseph N. Pew, Jr., Vice-President of the Sun Oil Company."

Exhibit 9.

Interwoven with this unity of purpose, unity of design, and focalization of effort, the part played by the Pennsylvania Motor Truck Association is definitely traceable. The Philadelphia Inquirer writes:

"Representatives of the Pennsylvania Truckers' Association were in daily contact with the members of the Legislature, arguing that the bill should be expanded to make Pennsylvania's law on the subject conform to those of surrounding states, and the organization bombarded the legislators with a huge amount of literature."

Exhibit 14.

Scientific and technical arguments were prepared by this powerful Association and projected by it into this unity of purpose, unity of design, and unity of focalization. The Pittsburgh Sun-Telegraph writes, and the Legislative Journal shows, that:

"When the debate opened on the bill a number of legislators read prepared speeches for it. These speeches presented scientific reasons why heavier trucks should be allowed on the highways, some of them discussing the technical engineering features of axle construction and weight distribution, some discussing how modern highways are built to resist loads, some of them giving an exhaustive survey of the weights allowed in adjoining states, and some talking about the effect of solid and pneumatic tires on road surfaces.

"Whoever wrote these speeches did a good job, and whoever sized up the political situation in the House did an even better job."

Exhibit 4.

To know the financial and political potentialities of the Pennsylvania Motor Truck Association is to know the desirability of political leaders to curry its favor. From where does the Pennsylvania Motor Truck Association derive these potentialities? The proof of it is public property.

House Concurrent Resolution, Serial No. 148, Printer's No. 81, in part reads:

"Whereas, Associated Petroleum Industries, with offices in Philadelphia and representation in Harris-

burg, is an unincorporated association of executives representing the major oil and gasoline companies and interested in advancing the policies of those companies, and

"Whereas, The said Associated Petroleum Industries has, through major gasoline and oil company retail and distribution outlets, maintained an organization in every county of the state for the dissemination of propaganda and information favorable to their major companies, and

"Whereas, it was brought out in a Report of Proceedings of the investigation conducted by the Oil Industry Investigating Commission Hearings that the Associated Petroleum Industries did finance and control certain organizations who were made to appear to represent the consumers and users of gasoline and oil, and

"Whereas, These organizations were used and maintained primarily as the tools of the large oil interests, and

"Whereas, Propaganda either were, by direct mail, by newspapers and magazines as well as the radio, used to disseminate so-called 'consumer arguments' under false pretense, and

"Whereas, In these hearings the names of the Pennsylvania Motor Truck Association, the Keystone Automobile Club, the Pennsylvania Motor Federation, the Pennsylvania Automotive Association Highway Users Conference, certain motor clubs, certain truck associations, the good roads people, cement people and bus associations appeared as being financed in part or in whole by the Associated Petroleum Industries, and

"Whereas, The names of elected as well as appointed officers of the Commonwealth of Pennsylvania appear in this probe as being in the employ of the Associated Petroleum Industries, and

"Whereas, Certain organizations that are mentioned in this investigation have been very active in having enacted into law an increased weight truck bill, and

"Whereas, Lobbying methods used in this Session and explained thoroughly in the proceedings of the Oil Industry's Investigation Hearings are the same as being used today, therefore be it resolved. . . ." and so forth.

It is a salient circumstance that this twin Democratic combine of Allegheny and Philadelphia controls and dominates a vast city, county and party pay roll on which appear the names of legislators and their relations. It is also a circumstance of note that, under the dictatorial presence and coercion of its leaders, this Democratic Combine has adopted the "unit rule" which requires the Assembly members of the combine to act as a unit on all matters directed by the combine. An examination of the roll calls will show the regularity and operation of the "unit rule." Through this rule the combine dominates and imposes its will upon the activities of the lawful Democratic caucus of the members of the Assembly here at the Capitol. A most outstanding circumstance in connection with the combine is the appearance of a super-committee in the House to control the functions of all standing committee chairmen. The presence of this super-committee is known to many members of this Senate. The names of its members are cautiously guarded. It is certain, however, that all its members are Democrats and one of them is the gentleman from Philadelphia, Mr. Melchiorre. It is not improbable—and I say this in kindness—that the gentleman from Philadelphia, Mr. Shapiro can give his colleagues information concerning this super-committee.

Surveying the subject as it has revealed itself to my senses, and as I have set it forth in my remarks on this Senate floor, I must again affirm that it is my sincere

opinion that this twin Democratic Combine has all the features of a criminal conspiracy to rig, control and interfere with the orderly passage of legislation. It is intended to obstruct the right of the General Assembly to the united judgment and deliberation of its members. Its purpose extends to the rigging of the Commonwealth's business to suit the whims of political leaders. It interferes with and obstructs the orderly functions of the General Assembly. His Excellency, the Governor, has branded the budget offered to him by his opposition as a "humbug and a fraud." His Excellency's chagrin is not amiss if the rigging of his budget is the handiwork of the political leaders of this combine in the spurious rendezvouses of Philadelphia and Allegheny. The belated discovery by the Democratic City Chairman of Philadelphia that a legislative log-jam is barring action against Communists in the public schools and the political life of Pennsylvania, is indeed amusing. One would think that the brilliant City Chairman is without knowledge that the "log-jam" is the spurious offspring of this notorious combine. It is amazing that the City Chairman has waited until the dying hours of this Session to hear the voice in the wilderness crying out against the iniquity of this combine.

Mr. President, may I pause sufficiently at this point to deeply commend the Republican members of the Assembly, and particularly of this Senate. I do this in envy of their freedom from the clutches of such combines. I especially commend my Republican colleagues for their fortune in having party leaders who do not publicly compromise them on pending matters.

Returning to the subject of conspiracy, the Court said in Commonwealth against Rosen, 141 Pennsylvania Superior Court 272:

"A criminal conspiracy at common law is an agreement between two or more persons with criminal intent to do an unlawful act, or to do a lawful act by unlawful means, and the gist of the offense is the unlawful agreement."

In the case of Commonwealth against Rhey, 140 Pennsylvania Superior Court 304, the Court said:

"The crime of 'conspiracy' derives its distinctive character from unity of purpose, unity of design, and focalization of effort upon a particular project by persons named in the indictment. . . .

"To establish a 'conspiracy', it is not necessary that the specific terms and scope of the agreement be first shown, but where acts of the parties indicate that they are acting in concert to a common end, the jury properly may be permitted to infer that such concerted action was the result of an agreement."

Mr. President, I name Democratic National Committee-man David L. Lawrence, City Treasurer James P. Kirk, and City Controller Edward R. Frey as leaders and participants in the Allegheny Combination. I name Democratic City Chairman John B. Kelly, and the gentlemen Messrs. Melchiorre and Shapiro as leaders and participants in the Philadelphia Combination. I name them jointly as leaders and participants of the combine here outlined by me.

I name the Pennsylvania Motor Truck Association as a participant in this combine for the purpose of effecting the passage of the "box-car" trucking bill. I name the Democratic Headquarters in the cities of Philadelphia and Pittsburgh as the meeting places of the respective units of the combine.

As to bribery and corrupt party leadership. It is painful for me to talk to you, my colleagues, upon the subject of bribery. I am constrained to do so by virtue of my oath of office and, because of the tender sensibility that I entertain for the integrity of this body.

As to the gentleman from Philadelphia, Mr. Melchiorre, it is public knowledge that the gentleman professed under oath and before an Investigating Committee of the House that if boodle was offered him, he would have readily taken it. This, gentlemen of the Senate, is a violation of Article 3, Section 29 of the Constitution on this subject. Suffice to refer my colleagues to the case of *In re: Riot Bill Bribery Investigation*, 7 Wk. N. C. 306, in which the Honorable Pearson, President Judge, of the Quarter Sessions of Dauphin County stated, among other things:

"You will observe, gentlemen, that the Constitution, therefore, makes the provision both against members of the Legislature who will receive or ask for, or be willing to receive, or agree to receive, any offer in the form of money, office, or in any other way . . ."

The law would be ridiculous if it were otherwise. A member of the Assembly can not shout from the rooftops that he is willing and ready for boodle and then scurry to dark corners to receive it.

I view with amazement the complacent impunity enjoyed by this gentleman. It is from this; and I have no doubt, that the gentleman takes calloused liberty to boisterously halt and berate me on the streets of Harrisburg for having voted differently from his desires on a bill pending before this Senate. The gentleman is indifferent to the fact that his conduct in this particular may well amount to a further infraction of the law that he has already so flagrantly breached. With this knowledge in mind, and with a sensibility for the integrity that I desire my colleagues to enjoy, I am forced to impugn the party leadership that places its power and influence in the hands of such gentleman. The proof to establish this leadership is public property. The Philadelphia Record writes:

"Melchiorre, elected from the City's 5th District, is chairman of the important Steering and Law and Order Committee, posts to which he was sponsored by Democratic Chairman John B. Kelly."

Exhibit 7.

The Pittsburgh Press writes:

"Mr. Kelly is Democratic Chairman of Philadelphia, responsible for Mr. Melchiorre's position as Chairman of the delegation, head of the House Law and Order Committee and a member of the House Rules Committee. . . ."

Exhibit 8.

Suffice the consideration I have given to this gentleman at this time. I now take up a most touchy phase of this subject of bribery.

In my remarks of June 9th on this matter, I distinctly named and showed the Pennsylvania Motor Truck Association to be the prolific source of tremendous boodle. In those remarks I named persons and the amounts of boodle they laid on the barrel-head. It is not within my power nor is it my intention to explore this prolific source any further. This is a duty assigned by law to the executive and judicial departments of our government. I trust

that they will take up the job where I must leave it: I do, however, now propose to direct attention to the places and occasions where this boodle overtly came to view.

I now point to the "Belshazzarian Feast" given at Harrisburg by the Pennsylvania Motor Truck Association. It would be amazing if those who attended that feast could now deny knowledge of the same. It would be equally amazing if any who attended it could now deny the motives of the Pennsylvania Motor Truck Association in giving it. This amazement applies also to the miniature "Belshazzar Feast" tendered by this Association in the Fort Pitt Hotel at Pittsburgh. Proof of the motives of the Pennsylvania Motor Truck Association is public property.

The Philadelphia Inquirer writes:

"Representatives of the Pennsylvania Truckers' Association were in daily contact with members of the Legislature, arguing that the bill should be expanded to make Pennsylvania's law on the subject conform to those of surrounding states, and the organization bombarded the legislators with a huge amount of literature."

Exhibit No. 14.

The Sun-Telegraph writes:

"Holland made the charge on the floor of the House that the bill did not move from the Committee until the truckers put on a \$25,000 spread for the legislators at Harrisburg.

"Members of the legislature were guests at a dinner arranged by the truckers' interests in Harrisburg several weeks ago which was quite lavish in its appointments.

"A nationally known radio commentator was brought to Harrisburg to broadcast for the group and a special stage show imported from New York.

"It may not have cost \$25,000, but it was not a cheap party.

"Members of the Allegheny County Democratic delegation first expressed opposition to the bill.

"Then, on March 28th, they voted to insist on a public hearing on the trucking bill in the House.

"On that same night, the Allegheny County Democratic legislators were invited to attend a stag party of the Allegheny County Chapter of the Pennsylvania Motor Truck Association at the Fort Pitt Hotel, and many of the Assemblymen attended."

It is a cardinal principle that ignorance of the law will excuse no one. Boodle need not be cash. It may take a million forms. Its form may be as intangible as space. I may tell you: "If you vote thus on this bill, I will tell you who stole your purse." This is boodle and the receiving of it is bribery. That a member of the Assembly pleads ignorance of the provision of the Constitution will not excuse him if he has received the boodle.

Members of the Assembly are placed in a distinct category by the Constitution. What constitutes bribery when done by them will not constitute the offense when done by the ordinary citizen. It is notable that the definition of bribery by members of the Assembly is set forth in the Constitution itself; while the crime of bribery by an ordinary citizen is prescribed and defined basically by the statutory law.

Article 3, Section 29, of the Constitution, dealing with members of the General Assembly, provides as follows:

"A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, of-

fice, appointment, employment, testimonial, reward, thing of value or enjoyment, or personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offense, and such additional punishment as is or shall be provided by law."

It is good that the framers of the Constitution made the receiving of "enjoyment" a form of boodle. If this were not so members of the Assembly might be basking in "enjoyment" on the shores of Palm Beach, paid for and provided by the prolific Pennsylvania Motor Truck Association, or any other such combination attempting to curry the influence of such members. The test of the problem is the actuating motives of the giver. The scent of the boodle is the touch of the giver.

I trust that those who received the "enjoyment" represented by the "Belshazzarian Feast" of the Pennsylvania Motor Truck Association may see on the wall the handwriting of the framers of the Constitution.

I ask my colleagues to spare me the trouble to name and place on the Journal of this body the names of the Assemblymen who attended those feasts. I will leave the proof to their discretion.

Before I conclude, Mr. President, I wish to assure the Joint Legislative Committee of which the gentleman, Mr. Stevenson, is the Chairman, that it has at no time been my desire or intention to act contemptuously of the Committee or its processes. My refusal to appear in response to a subpoena served upon me by a Sergeant-at-Arms of this Senate was actuated solely by the belief that as a member of this Senate, I am immune from such subpoena and that the provisions of the Constitution guard me for speech and debate on the Senate floor against questioning in any other place. I stand firmly upon this constitutional immunity and protection because I honestly believe that it is the best thing to do under the circumstances. Without waiving this immunity or protection I tender my service and collaboration to that Committee at any time and any place, when and how the Committee may request it.

I now advise the Honorable Committee that my remarks on the floor of this Senate contain all of the information, circumstances and names upon which I predicated my remarks of June 5th and that I have, up to this moment, no additional information to give.

As a summary to what I have already stated, I regard as outrageous and corrupt the conduct of the Democratic leaders who, notwithstanding their knowledge, inveigled into this sorry mess the members of this Assembly who followed their advice. The leaders of both the Philadelphia and Allegheny unit of this notorious Democratic combination must be charged with knowledge that the Pennsylvania Motor Truck Association, the prolific source of boodle, was actuated solely with the purpose to effect the passage of the "box-car" trucking bill, by currying favor with them and those who follow their leadership.

REPORTS FROM COMMITTEES

Mr. STEVENSON, from the Committee on Appropriations, reported as amended, Senate Bill No. 416, (House Bill No. 551), entitled:

A Supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page 60), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the Public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for a deficiency in the appropriation to the Department of Property and Supplies for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one; providing for payment out of revenues of the fiscal biennial period beginning June first, one thousand nine hundred forty-one; and preventing lapsing.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1140, (House Bill No. 611) entitled:

An Act providing for the acquisition by the Department of Forests and Waters in the name of Commonwealth of certain lands in Luzerne Sullivan and Wyoming Counties for use as a State Park making an appropriation for said acquisition providing for the management of said property by said department and defining the uses to which the property shall be put.

Mr. FARRELL, from the Committee on Municipal Government, reported as amended, Senate Bill No. 921, (House Bill No. 892), entitled:

An Act authorizing a commission to study recreational facilities available in first class cities; imposing powers and duties on said commission.

BILL INTRODUCED

Mr. GELTZ read in his place and presented to the Chair Senate Bill No. 1215, entitled:

A Supplement to the act, approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Acts, No. 12A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one".

Which was committed to the Committee on Appropriations.

TIME OF NEXT MEETING

Mr. THOMAS offered the follownig resolution which was twice read, considered, and agreed to:

In the Senate, June 16, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, June 23, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 23, 1941, at 8 o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION REQUESTING CERTAIN INFORMATION FROM SECRETARY OF BANKING

Mr. REED offered the following resolution which was twice read:

In the Senate, June 16, 1941.

Whereas, It appears that many large debtors of closed State banks have failed to liquidate their indebtedness, and

Whereas, It further appears that compromise settlements have been made with some of the large debtors of such closed banks, and

Whereas, This information is of great importance to this Senate and the people of Pennsylvania, therefore be it

Resolved, That the Secretary of Banking of the Commonwealth of Pennsylvania, furnish to the members of this Senate before the adjournment of its present Session the following information:

- (a) The names and addresses of each and every debtor owing \$10,000 or more to any bank or banks or trust company in the Commonwealth now closed and under his control, with the name of the bank, banks or trust company, and the amount due each of them.
- (b) The names and addresses of each and every debtor that owed \$10,000 or more and whose indebtedness has been compromised during the term of said Secretary of Banking, with the terms of such compromise settlements.

MOTION TO SUSPEND RULE 39

Mr. REED. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, I object to immediate consideration of this resolution, simply for the reason that we have no idea what work would be entailed by the Banking Department and what would be necessary to secure the information required by this resolution. For that reason, Mr. President, I suggest that this resolution be referred to committee so that the committee may investigate it.

Mr. REED. Mr. President, under our form of government, there is no job too big for our public officials, if that job effects the welfare of the people of the Commonwealth, and this is a very important matter. I am told that in our closed banks there is paper aggregating great sums of money. I have also been informed that many large accounts have been compromised, and I say if that is true the people of Pennsylvania, depositors and other public officials should have that information, for if some large debtor has been permitted to obtain a compromise, while many smaller debtors have had their homes sold, it seems to me that there is nothing more important to the people of our Commonwealth than that information.

Mr. President, if I were a public official, I would welcome the opportunity to look into any phase of public business that carried those conditions, those vices, and I sincerely hope that instead of referring this resolution to a committee, the gentleman from Allegheny, Mr. Geltz, will withdraw his objection and ask that the resolution be laid on the table so that we can get prompt action, as the time is very short and the session is drawing to a close, and I know there are many people in the Commonwealth who are interested in the problem wrapped up in this resolution.

The PRESIDENT. Does the gentleman from Allegheny insist on his objection?

Mr. GELTZ. I do, Mr. President.

The PRESIDENT. Under the rules the resolution will be referred to the Committee on Banking.

SENATE BILL No. 80 TAKEN FROM TABLE

Mr. EALY. Mr. President, I now call up from the table, Senate Bill No. 80, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897-1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further defining "contributions" to be paid by certain employers changing the procedure and administrative details for the determination and payment of compensation further regulating the appointment promotion dismissal suspension and furlough of civil service employes further defining the powers of and procedure before the board making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board and making the Administration Fund subject to certain charges.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

SENATE NON-CONCURS IN THE AMENDMENTS. MADE BY THE HOUSE TO SENATE BILL No. 80

Mr. EALY. Mr. President, I move that the Senate non-concur in the amendments made by the House to Senate Bill No. 80.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 731, (House Bill No. 960), entitled:

An Act to further amend sections one and two and to further amend sections three and five of the act, approved the sixth day of April, one thousand nine hundred and eleven (P. L. 51), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale, the offering for sale, or exposing for sale, or having in possession with intent to sell, of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof," by further defining sausage making possession of adulterated sausage prima facie evidence of intent to sell; further defining and regulating the adulteration of sausage; and conferring powers and duties on the Department of Agriculture.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 757, (House Bill No. 717), entitled:

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 893, (House Bill No. 525), entitled:

An Act amending, revising consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds, as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating

the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties; and repealing existing laws.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 649, (House Bill No. 971), on final passage, entitled:

An Act to further amend section fifteen, and to repeal sections fifteen and one-tenth, fifteen and two-tenths, and fifteen and three-tenths of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing for the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in certain cases, reviving, validating, preserving and extending liens

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 680, (House Bill No. 869), entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred thirty-six, (P. L.,

First Extraordinary Session, 47) entitled "An act to enable persons, associations, partnerships, and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description; providing for bonds with confessions of judgments; regulating the assignment and release of such mortgages; and designating the operation and effect of the lien of such mortgages" by extending, enlarging, and removing the limitations from the class of those who may become chattel mortgagees; by making further provision respecting fees of recorders of deeds in connection with chattel mortgages, extension of the lien of said mortgages and defaults of said mortgages; and by defining violations and prescribing penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I intend to ask that the vote by which this bill passed finally be reconsidered, for the purpose of offering an amendment. I shall ask unanimous consent to offer an amendment which eliminates from the bill the power to take chattel mortgages on personal wearing apparel, household furnishings and other articles of household use.

RECONSIDERATION OF SENATE BILL No. 680, (HOUSE BILL No. 869)

Mr. SHAPIRO. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye."

Mr. CAVALCANTE. Mr. President, I second the motion,

The PRESIDENT. How did the Senator vote?

Mr. CAVALCANTE. Mr. President, I voted "aye."

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. GELTZ and were as follows, viz:

YEAS—17

Barr,	DiSilvestro,	Jaspan,	Reed,
Cavalcante,	Frey,	Lanius,	Ruth,
Coleman,	Haluska,	McCreesh,	Shapiro,
Cox,	James,	McQuiddy,	Stiefel,
Dent,			

NAYS—28

Bartlett,	Ealy,	Letzler,	Tyler,
Becker,	Edmonds,	Mallery,	Wade,
Carr,	Farrell,	Miller,	Walker,
Chapman,	Geltz,	Scarlett,	Watkins,
Crider,	Heyburn,	Tallman,	Wilson, H. I.,
Crowe,	Homsher,	Taylor,	Wilson, T. B.,
Deltrick,	Kephart,	Thomas,	Ziesenheim,

So the question was determined in the negative.

Mr. SHAPIRO. Mr. President, this bill is an amendment to the existing law which provides that chattel mortgages might be taken on agreement with, and borrow funds from, the Government of the United States or any department, agency or instrumentality thereof, including among others the Reconstruction Finance Corporation and the R. F. C. Mortgage Company, and so limited in its original form to that branch of loans.

Now, Mr. President, this bill is amended to cover every kind of loan and provides that "such chattel mortgage shall

be a lien against the chattel or chattels thereby conveyed and shall be good and available in law against any subsequent purchasers or execution creditors upon the recording thereof as hereinafter directed.

"Provisions contained in such chattel mortgage that property of the same class as is covered by the chattel mortgage shall be included in the mortgage lien if acquired by the mortgagor subsequent to the execution of the chattel mortgage and prior to its extinguishment and provisions that the chattel mortgage may secure future advances to be made by the mortgagee at his option within a period of three years from the execution of such chattel mortgage but not to exceed in the aggregate an amount stated in said chattel mortgage and that all advances so made shall be secured by such chattel mortgage equally and to the same extent as the amount originally advanced on the security of such mortgage and that all such future advances shall be a lien upon the property therein described from the time of the recording of such chattel mortgage good and valid against and superior to all rights of subsequent creditors, purchasers, mortgagees and other lienors and encumbrances of any of them and provisions that the chattel mortgage may include replacements of any of the mortgaged property therein described shall be valid and binding."

Now, what we do here by the passage of this bill is to permit a man to get a mortgage on a property for one hundred thousand dollars and subsequently make loans of five, ten, fifteen or twenty thousand dollars or any amount up to one hundred thousand dollars, and without knowledge on the part of anyone, except that there is a mortgage of one hundred thousand dollars recorded, make that mortgage a lien ahead of any subsequent or prior creditors.

I thought this bill would not be passed but apparently the people back of it represent the Reconstruction Finance Corporation and I had a conference with them and pointed out to them what would be possible, which is not today possible under the law, namely, that companies loaning money on furniture could come in and get a mortgage and place it on record and from time to time put new furniture into that place, and without any further action could get a lien on the old and new property for the full extent of the balance due, irrespective of how much was paid off on the original loan.

I said that it was certainly not a proceeding we wanted to engage in since we had avoided in Pennsylvania chattel mortgages for that very purpose for years, and they agreed that was further than they intended to go. As a result of that conference I prepared an amendment which I was proposing to offer today and which the Senate has now refused to accept, to at least take out of this law, which is so all embracing, those persons who have built up their homes and thus avoid the mortgaging of furniture and personal property in the home, and unless that is out of the bill, I think all of you should consider in fairness consider this matter and endeavor to understand the force and effect of this piece of legislation.

I was prepared to vote for the bill, though reluctantly, because I feel what the Reconstruction Finance Corporation is trying to do, namely, to give small business men loans upon their factories and equipment in their factories might be well under the circumstances, especially in view of the fact that many small manufacturers might

be called upon at this time to engage in the national defense program, but to allow this bill in its present scope to become a law of Pennsylvania and extend an invitation to every installment house in the state to proceed to procure a chattel mortgage on the future of every individual home owner is more than I feel we ought to permit, and for that reason I am going to vote against the bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Bartlett,	Farrell,	Miller,	Tyler,
Becker,	Geltz,	Scarlett,	Wade,
Carr,	Heyburn,	Snowden,	Walker,
Chapman,	Homsher,	Stevenson,	Watkins,
Crider,	Kephart,	Tallman,	Wilson, H. I.,
Crowe,	Letzler,	Taylor,	Wilson, T. B.,
Detrick,	Mallery,	Thomas,	Ziesenheim,
Edmonds,			

NAYS—18

Barr,	DiSilvestro,	Jaspan,	Reed,
Cavalcante,	Ealy,	Lanlus,	Ruth,
Coleman,	Frey,	McCreesh,	Shapiro,
Cox,	Haluska,	McQuiddy,	Stiefel,
Dent,	James,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1186, entitled:

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen; and making an appropriation.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 309, (House Bill No. 312), on third reading, entitled:

An Act to amend clause (e) of section five of the act approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employes, and furnishing suitable accommodations; and making an appropriation," by providing for furnishing artificial limbs to children over ten years of age

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 415, (House Bill No. 653), on third reading, entitled:

An Act to add clause eighteen A to section three of article nineteen of the act approved the seventh day of March one thousand nine hundred one (P. L. 20), entitled "An act for the government of cities of the second class" authorizing cities of the second class to impose and collect charges for the care and treatment at municipal hospitals of persons who are financially able to pay the expenses of such care and treatment

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 440, (House Bill No. 251), as follows:

An Act to amend section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof" by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employe or any other party in interest against the fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof" is hereby amended to read as follows

Section 11 (1) A valid claim for compensation or installments thereof heretofore or hereafter made pursuant

to the Workmen's Compensation Law which has remained or shall remain due and unpaid for sixty days by reason of default after the effective date of this act by an insolvent carrier shall be paid from the proper fund in the manner provided in this act Any person in interest may file with the commissioner an application for payment of compensation from the proper fund on a form to be prescribed and furnished by the commissioner A certified copy of the award must accompany the application The commissioner shall thereupon certify to the State Treasurer such award for payment according to the terms of the same whereupon payment shall be made by the State Treasurer on warrant of the Auditor General and on requisition of the commissioner

(2) Payment of an award from either fund shall not give the commissioner of such fund any right of recovery against the employer

(3) An employer may pay an award or a part thereof in advance of payment from the fund and shall thereupon be subrogated to the rights of the employe or other party in interest against such fund to the extent of the amount so paid

(4) The commissioner shall be entitled to recover the sum of all liabilities of such insolvent carrier assumed by such stock or mutual fund from such carrier its receiver liquidator rehabilitator conservator or trustee in bankruptcy employer and all others liable under any of the terms of the Workmen's Compensation Law and may prosecute an action or other proceedings therefor All moneys recovered in any such action or proceedings shall forthwith be placed to the credit of the stock or mutual fund which has assumed such liability by the State Treasurer to reimburse the stock or mutual fund which has assumed such liability to the extent of the moneys so recovered and paid If and when all liabilities of all stock or of all mutual carriers for workmen's compensation losses in this Commonwealth shall have been fully liquidated distribution shall be made to all contributing stock companies or to all contributing mutual carriers of the remaining balance of such funds in the proportion in which each carrier made contribution to its respective fund Provided however That an insolvent carrier shall be entitled to share in the said distribution of its respective fund only to the extent that its distributive share of said fund is in excess of any losses paid out of said fund for its account by the treasurer in accordance with the terms of this act

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 532, (House Bill No. 550), on third reading, entitled:

An Act to repeal the act, approved the twenty-eighth day of March, one thousand eight hundred and seventy-eight (P. L. 9), entitled "An act relative to the employment of females in hotels, taverns, saloons and eating houses, or other places for the sale of intoxicating and other drinks, and the penalty for the violation thereof"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 616, on third reading, entitled:

An Act to further amend clause Six of section one of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858) entitled, "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties;" providing that officers and employees of the Department of Public Instruction including State Teachers Colleges who are not members of or who may withdraw from the public school employee's retirement association may become employees of the State Employees' Retirement Association and receive credit for their service

be recommitted to the Committee on Education for the purpose of further consideration.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 617, on third reading, entitled:

An Act to further amend clause seven of Section one of the act approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties"; extending the time for officers and employees of the Department of Public Instruction including State Teachers Colleges to withdraw from the Retirement System and receive reimbursement for moneys paid in

be recommitted to the Committee on Education for the purpose of further study.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions, adoptions of compensation schedules and certification of payrolls imposing duties upon certain officers and employees of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service, defining certain crimes and misdemeanors imposing penalties and making an appropriation and repealing certain acts and parts thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 694, (House Bill No. 1175), on third reading, entitled:

An Act to amend section six hundred fifteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL
PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 710, as follows:

An Act to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the time for filing nomination certificates and nomination papers nominating candidates at special elections

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 629 Nominations for Special Election for Representative in Congress Senator and Representatives in the General Assembly Candidates to fill vacancies in the office of Representative in Congress and Senator and Representative in the General Assembly shall be nominated by political parties in accordance with the party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section 630 of this act and by political bodies by means of nomination papers in accordance with the provisions of sections 951 952 and 954 of this act Said nomination certificates and nomination papers shall be filed in the office of the Secretary of the Commonwealth not later than ten (10) days after the issuance of the writ of election or if the writ of election shall have been issued more than sixty (60) days prior to the date of the special election at least fifty (50) days prior to the day of such special election

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 715, as follows:

An Act to repeal certain obsolete acts relating to paupers and the management control and operation of poor districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following obsolete acts relating to paupers and the management control and operation of poor districts are hereby repealed

Section twenty-nine of the act approved the twenty-ninth day of March one thousand eight hundred and three (P. L. 507) entitled "An act for the consolidation and amendment of the laws as far as they respect the Poor of the city of Philadelphia the district of Southwark and the township of the Northern Liberties"

Section five of the act approved the thirty-first day of March one thousand eight hundred and twelve (P. L. 251) entitled "A further supplement to the act entitled 'An act for the consolidation and amendment of the laws as far as they respect the poor of the city of Philadelphia the district of Southwark and the township of the Northern Liberties'"

The act approved the fifteenth day of April one thousand eight hundred and fifty-seven (P. L. 191) entitled "A supplement to an act relating to the Support and Employment of the Poor approved the thirteenth day of June Anno Domini one thousand eight hundred and thirty-six"

The act approved the twenty-fourth day of March one thousand eight hundred and seventy-seven (P. L. 40) entitled "A supplement to an act entitled 'An act to provide for the erection of a poor house and for the support of the poor in the several counties of this Commonwealth' approved May eight one thousand eight hundred and seventy-six"

The act approved the fourth day of April one thousand eight hundred and seventy-seven (P. L. 51) entitled "A supplement to an act entitled 'An act relating to the support and employment of the poor' approved the thirteenth day of June Anno Domini eighteen hundred and thirty-six"

The act approved the eighteenth day of May one thousand eight hundred and seventy-eight (P. L. 63) entitled "An act supplementary to an act entitled 'An act to provide for the erection of a poor house and for the support of the poor in the several counties of the Commonwealth' approved the eighth day of May Anno Domini eighteen hundred and seventy-six providing for the better government of such institutions"

The act approved the twenty-fourth day of May one thousand eight hundred and eighty-seven (P. L. 202) entitled "An act authorizing the overseers of the poor of the respective counties townships and boroughs of this Commonwealth to sell and dispose of the real estate of paupers insane or to borrow money upon mortgages of pauper real estate"

The act approved the twenty-fifth day of May one thousand eight hundred and eighty-seven (P. L. 263) entitled "An act relating to the acquisition purchase and sale of real estate by the boards of guardians for the relief and employment of the poor in cities of the second class"

The act approved the thirteenth day of May one thousand eight hundred and eighty-nine (P. L. 201) entitled "An act to authorize the directors of the poor of the several counties and the overseers of the poor of the several poor districts of the Commonwealth of Pennsylvania to sue for and recover any and all choses in action belonging to any person who is now or may hereafter be-

come chargeable to their respective counties or poor districts"

The act approved the sixteenth day of June one thousand eight hundred and ninety-one (P. L. 310) entitled "An act abolishing the office of directors of the poor in cities of the second class"

The act approved the twenty-fifth day of June one thousand eight hundred and ninety-five (P. L. 269) entitled "An act to provide for the support of indigent parents by children and the enforcement of the same"

Section four of the act approved the sixth day of April one thousand nine hundred and five (P. L. 112) entitled "An act providing for the relief of poor persons regulating their settlements in poor-districts providing a means of enforcing the removal of a poor person to the district of his settlement the payment for relief furnished to him and the payment of costs thereto and authorizing courts of quarter sessions to compel certain relations to contribute to the relief of poor persons"

The act approved the twenty-ninth day of April one thousand nine hundred and nine (P. L. 287) entitled "An act to amend section one of the act entitled 'An act supplementary to an act entitled 'An act to provide for the erection of a poorhouse and for the support of the poor in the several counties of the Commonwealth' approved the eighth day of May Anno Domini one thousand eight hundred and seventy-six providing for the better government of such institutions' approved the eighteenth day of May Anno Domini one thousand eight hundred seventy-eight by changing the number of directors of the home for the destitute from five to three and changing the number of candidates to be voted for by an elector from three to two and changing the term of service from two years to three years"

The act approved the fifteenth day of June one thousand nine hundred and eleven (P. L. 973) entitled "An act providing a method for enforcing orders of maintenance and support in all cases where an order has been made for the support of a husband wife parent child grandparent or grandchild defining what constitutes contempt in such cases and punishment for contempt in such cases"

The act approved the twenty-fifth day of June one thousand nine hundred and thirteen (P. L. 564) entitled "An act to make the real estate of any pauper liable for the expense of his support maintenance and burial and providing a method for collection of such claims"

The act approved the eighteenth day of April one thousand nine hundred and nineteen (P. L. 74) entitled "An act to authorize courts of common pleas to decree the sale of real estate held for poor purposes in the several county poor districts in this Commonwealth having a population of less than one hundred and fifty thousand inhabitants whether the title to such property is held by the poor district or was reserved by the Commonwealth for the use of a poor district and providing for the reinvestment of the proceeds thereof"

The act approved the seventh day of May one thousand nine hundred and thirty-seven (P. L. 563) entitled "An act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district and providing for the expenditure of the moneys so transferred for poor district purposes"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,

Cox,
Crider,
Crowe,
Deltrick,
Dent,

Heyburn,
Homsher,
Jailes,
Jaspan,
Kephardt,

Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,

Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 728, (House Bill No. 179), as follows:

An Act validating the title to real estate purchased at judicial sales for unpaid taxes or municipal assessments where there is a defect in the names of the parties in certain cases and providing certain exceptions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore any purchaser has purchased real property at a judicial sale had on a judgment obtained for unpaid taxes or municipal assessments in accordance with the provisions of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties lien the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" and its amendments thereto and the name or names of the defendant or defendants in the writ of scire facias on the lien and in the judgment upon which execution was issued is different from that in which the tax or municipal lien is assessed such sale is hereby ratified confirmed validated and made binding in the same manner as if all the provisions of said act had been strictly complied with. Provided however That the property is correctly described in the writ of execution upon which said sale was had that the purchaser thereafter has presented his petition to the proper court setting forth said sale and delivery of a sheriff's deed and the court has made an order adjudicating the title of said purchaser valid and indefeasible against all persons

Section 2 This act shall become effective immediately upon final enactment but shall not apply in any instance where the property has been redeemed by the owner thereof within the time allowed by law or where the rights of third parties have intervened or the validity of any such sale or the title to the premises purchased thereat has been made the subject of litigation in any court of the Commonwealth prior to the approval hereof.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,

Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—1

Shapirc,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 760, (House Bill No. 739), as follows:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining State employee

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 683) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

* * * * *

6 "State employee" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes also all officers and employees of the

Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employees of the Delaware River Joint Commission and of the Delaware River Joint Toll Bridge Commission paid on a yearly or monthly basis if the Delaware River Joint Commission and the Delaware River Joint Toll Bridge Commission shall agree to contribute and contributes to the State Employees' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employees without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employees of any separate independent public corporation created by act of Assembly (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation were employees of the Commonwealth so long as they remain officers or employees of such public corporation if such public corporation shall agree to contribute and contributes to the State Employees' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employees without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employee" shall not include those persons defined as employees in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (P. L. 245) excepting such officers and employees of the Department of Public Instruction as are not members of or who may withdraw from the public school employees' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employee because of the fact that such service was rendered while he or she was a member of the public school employees' retirement association

The term "State employee" shall also include all State officers and employees regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employee as defined in this paragraph and its decision shall be final

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,

Crowe,
Deltick,
Dent,

James,
Jaspan,
Kephart,

Scarlett,
Shapiro,
Snowden,

Wilson, H. I.,
Wilson, T. B.,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 823, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employees of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employees of such corporations and persons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections six hundred eight and one thousand eleven of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employees of all such corporations or private bankers or of affiliated corporation associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows Sections one thousand one and one thousand two hundred two as last amended by the act approved the eleventh day of June one thousand nine hundred and thirty-five (P. L. 306) and Sections four hundred eleven four hundred twelve seven hundred one one thousand two hundred eight Subsection A clause eight and one thousand two hundred nine as last amended by the act approved the twenty-second day of April one thousand

nine hundred and thirty-seven (P. L. 349) are hereby further amended to read as follows

Section 411 Increase of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to increase its authorized capital in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company except that written notice of a proposed amendment for increasing the authorized capital of the institution shall be given to each shareholder entitled to vote thereon at least sixty days prior to such meeting and except that a proposed amendment for increasing the authorized capital of the institution shall be adopted by the holders of at least a majority in amount of the aggregate par value of the outstanding shares entitled to vote at such meeting and by the holders of at least a majority in number of the outstanding shares entitled to vote at such meeting

Such increase of authorized capital shall however become invalid and inoperative unless the actual increase of capital which is authorized shall be made within one year from the date of the issuance of the certificate of amendment If any portion of such authorized capital shall be created and issued within such one-year period only such portion as remains unissued within such period shall become invalid and inoperative In the case of a bank a bank and trust company or a trust company which upon the effective date of this act has an authorized capital which exceeds the par value of its outstanding shares such one-year period shall date from the effective date of this act Such actual increase may be made from time to time within such period of one year but no such increase shall be made until the shares shall be paid for in full pursuant to the provisions of this act as to the creation or issuance of any share Such increase may however be made by the declaration of a share dividend in accordance with the provisions of this act concerning such share dividends

However a bank a bank and trust company or a trust company may issue common shares to provide for the concurrent retirement of shares of any class other than common shares The issuance of such common shares shall be subject to all of the requirements for and limitations upon the issuance of common shares prescribed by this act except that if such common shares are issued pursuant to the declaration of a share dividend with the approval of the Department of Banking and in accordance with the provisions of this act concerning such share dividends and if such issuance of common shares shall not effect an increase or decrease of capital no meeting of the shareholders nor their vote need be required The bank the bank and trust company or the trust company shall upon effecting such issuance of common shares and the retirement of shares of another class file articles of amendment in the manner provided in this act except that such articles need not state that advertisement has been made or notice given or action taken by the shareholders

B Except as otherwise specifically provided in this act a common share shall not be issued pursuant to such increase for a consideration of less than the par value of such share plus fifty per centum thereof unless a share can be issued for a consideration less than such amount without reducing the surplus of the bank the bank and trust company or the trust company below one hundred per centum of the capital as increased but in no case shall such share be created or issued for a consideration which is less than the par value thereof

C The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the shares were issued pursuant to such increase but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld

Section 412 Decrease of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to decrease its authorized capital either by re-

ducing pro rata the number of its shares of any class or classes or by reducing the par value of the shares of any class or classes provided however every share shall have the same par value as every other share of the same class or by both such methods in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company but the capital of a bank a bank and trust company or a trust company shall not be decreased to an amount below the minimum prescribed by this act for the incorporation at the time of such decrease of such bank bank and trust company or trust company as the case may be in the particular city borough or township plus such amount of capital if the bank the bank and trust company or the trust company maintains and operates a branch or is authorized by the articles or otherwise to maintain and operate a branch as is required by this act for the establishment of branches

B The responsibility for the contracts debts or engagements of the bank bank and trust company or trust company to which its common shareholders are subject upon the date when the certificate of amendment is issued shall continue for one year thereafter

C Any capital gains resulting from such decrease of the authorized capital of a bank a bank and trust company or a trust company shall forthwith be transferred to the surplus of such bank bank and trust company or trust company or it may with the approval of the department be returned to the shareholders in the form of a cash dividend provided that the surplus of the institution after the payment of such cash dividend equals at least one hundred per centum of the resulting capital Nothing in this paragraph shall be construed to prohibit a bank a bank and trust company or a trust company from effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares with the approval of the department even though the surplus of the institution after the retirement of such shares does not equal at least one hundred per centum of the resulting capital

This section shall not be construed to prohibit a bank a bank and trust company or a trust company from effecting the retirement of shares of any class other than common shares from earnings reserved for that purpose in accordance with the provisions of its articles if at the same time and with the approval of the department a dividend is declared and paid in common shares of an aggregate par value equal to the aggregate par value of the shares so retired

D Upon effecting a decrease in its authorized capital a bank a bank and trust company or a trust company shall issue to its shareholders new share certificates setting forth any changes in the par value of each share issued in exchange for the outstanding shares of such shareholders which shall then be cancelled However in the case of any decrease in its authorized capital by the retirement of shares of any class other than common shares pursuant to the provisions of its articles of incorporation a bank a bank and trust company or a trust company shall not be required to effect the exchange of share certificates until the last of the shares of such class shall have been retired The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the certificate of amendment authorizing the decrease in authorized capital was issued but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld

E Upon effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares without a vote of its shareholders pursuant to the provisions of its articles of incorporation a bank a bank and trust company or a trust company shall at the time of such decrease file articles of amendment in the manner provided by this act except that such articles need not

state that advertisement has been made or notice given or action taken by the shareholders Such articles which set forth the final retirement of shares of the particular class may also include an amendment for the striking out of such designations preferences qualifications privileges limitations options conversion rights and other special rights including such control over management as applied to such class of shares

Section 608 Voting Shares Held by an Incorporated Institution An incorporated institution or any other corporation owning shares in a bank a bank and trust company or a trust company or an incorporated institution owning shares in any other corporation may vote them by its president or by any vice president or by proxy appointed by its president or by any vice president unless some other person by resolution of its board of directors or board of trustees shall be [appointed] designated to vote or to appointed proxies to vote such shares in which case such person or the proxy appointed by him shall be entitled to vote any such shares upon the production of a certified copy of such resolution Shares of its own capital belonging to a bank a bank and trust company or a trust company shall not be voted directly or indirectly at any meeting and shall not be counted in determining the total number of outstanding shares for voting purposes at any given time but where a bank and trust company or a trust company holds its own shares in a fiduciary capacity such shares may be voted and shall be counted in determining the total number of outstanding shares at any given time

Section 701 Declaration and Payment of Cash and Share Dividends A Except as otherwise provided in this act and subject to any restrictions contained in the articles of incorporation any bank any bank and trust company or any trust company by its board of directors may declare and pay dividends upon its outstanding shares out of its undivided profits as hereinafter provided from time to time and to such extent as the board of directors may deem advisable A dividend shall not be declared or paid unless is declared the reserve fund required by this act and the capital and surplus of the bank the bank and trust company or the trust company would despite such dividend be unimpaired

B Such dividends may be paid to the shareholders in cash or if such increase of capital has been authorized in the manner provided by this act it may be paid in shares of the bank the bank and trust company or the trust company If the dividend is in the form of shares of the bank the bank and trust company or the trust company it may if properly authorized be paid out of unimpaired surplus provided that unless such dividend is a common share dividend approved by the Department of Banking and made concurrent with the retirement of an equal aggregate par value of preferred shares such surplus is not thereby reduced to an amount less than one hundred per centum of its capital as increased by virtue of such share dividend

Section 1001 Powers of Banks Bank and Trust Companies A In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a bank or a bank and trust company elsewhere in this act a bank or a bank and trust company shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To receive money on deposit and to pay interest thereon

(2) To receive money from transmission either to a foreign country or otherwise

(3) To rediscount and borrow money bonds or other securities and to pledge collateral therefor

(4) To lend money either upon the security of real or personal property or otherwise to charge or to receive in advance interest therefor

(5) To discount buy sell negotiate or assign promissory notes drafts bills of exchange trade and bank acceptances stocks bonds or other evidences of debt

- (6) To buy and sell exchange coin and bullion
- (7) To purchase hold or convey real property
- (8) To improve or to lease real property for its accommodation

(9) To accept for payment at a future date drafts or bills of exchange drawn upon it

(10) To issue letters of credit authorizing the holders thereof to draw drafts or bills of exchange upon it or its correspondents

(11) To become a member of a Federal Reserve Bank

(12) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(13) To invest in the shares of an institution engaged in a foreign banking business

(14) To become a member of a clearing house association and to pledge such assets therewith as will qualify it for membership therein

(15) To establish branch banks branch offices agencies sub-offices sub-agencies and branch places of business as permitted in this act

(16) To become a member of the Federal Deposit Insurance Corporation in accordance with the provisions of the Federal Banking Act of one thousand nine hundred and thirty-three approved the sixteenth day of June one thousand nine hundred and thirty-three its amendments and supplements or of any other corporation thereafter organized by the United States for the purpose of insuring deposits in banks or bank and trust companies and to purchase and hold so much of the capital of the Federal Deposit Insurance Corporation or of such other corporation as will qualify it for membership therein

(17) To make application for and obtain insurance of mortgages as provided by the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

(18) To act as agent of the United States or of any instrumentality or agency thereof for the sale or issuance of bonds notes or other obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged and to pledge its assets for the faithful performance of its duties as such agent

B In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a trust company elsewhere in this act a trust company shall have the following powers subject to the limitations and restrictions imposed by this act

- (1) To purchase hold or convey real property
- (2) To improve or to lease real property for its accommodation

(3) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(4) To establish branch trust companies branch offices agencies sub-offices sub-agencies and branch places of business as permitted in this act

(5) To make any investments subject to the same limitations as in the case of savings banks incorporated hereunder including such investments as are specifically authorized by its articles

(6) To act as agent of the United States or of any instrumentality or agency thereof for the sale or issuance of bonds notes or other obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged and to pledge its assets for the faithful performance of its duties as such agent

Section 1011 Limitation as to Dealings by Bank Bank and Trust Company or Trust Company in Own Shares A Except as otherwise specifically provided in this act a bank a bank and trust company or a trust company shall

not grant any loan or discount on the security of shares of its own capital nor be the purchaser for the purpose of cancellation retirement or otherwise or holder of any such shares for its own account unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith Shares so purchased or acquired shall be disposed of within two years from the time of their purchase or acquisition but the department may upon application of a bank a bank and trust company or a trust company grant to it in writing the power to hold such shares for a longer period

B A bank or a bank and trust company shall not lend directly or indirectly any money for the purpose of enabling any corporation or person to purchase own or hold any shares of such bank or such bank and trust company unless such loan is secured by readily marketable collateral the market value of which shall at no time be less than one hundred and twenty per centum of the amount of such loan

Section 1202 Powers of Savings Banks In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a savings bank elsewhere in this act a savings bank shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To receive money on deposit and pay interest thereon

(2) To receive money for transmission to a foreign country or otherwise and to forward such money through any bank bank and trust company private bank national banking association or any other corporation or person authorized by the laws of any state to receive deposits and subject to the supervision of the banking authorities of such state

(3) To borrow money to repay the demands of depositors and to pledge its assets therefor

(4) To make investments

(5) To lend money upon the security of real or personal property and to charge or to receive in advance interest therefor

(6) To purchase hold or convey real property

(7) To improve or to lease real property for its accommodation

(8) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(9) To establish branch savings banks branch offices agencies sub-offices sub-agencies and branch places of business as permitted in this act

(10) To become a member of a Federal Reserve Bank and for such purpose to purchase and hold so much of the capital of such Federal Reserve Bank as will under any Federal law qualify it for membership therein

(11) To become a member of the Federal Deposit Insurance Corporation in accordance with the provisions of the Federal Banking Act of one thousand nine hundred thirty-three approved the sixteenth day of June one thousand nine hundred thirty-three its amendments and supplements or of any other corporation hereafter organized by the United States for the purpose of insuring deposits in savings banks and to purchase and hold so much of the capital of the Federal Deposit Insurance Corporation or of such other corporation as will qualify it for membership therein

(12) To make application for and obtain insurance of mortgages as provided by the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

(13) To act as agent of the United States or of any instrumentality or agency thereof for the sale or issuance of bonds notes or other obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged and to pledge its assets for the faithful performance of its duties as such agent

Section 1208 Authorized Investments of Savings Banks Not under Special Charter A Except as otherwise specifically provided in this act a savings bank other than a savings bank organized under a special act of the General Assembly shall not make any investments except as follows

(8) Bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth to the extent of not more than two-thirds of the actual value of such real property and for a term not exceeding ten years unless amortized in equal annual installments over a period not exceeding fifteen years and bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank

Section 1209 Authorized Investments of Special Charter Savings Banks A savings bank organized under a special act of the General Assembly may make such investments as may be authorized by its articles of incorporation but no such savings bank shall purchase or invest in the shares of capital of any corporation whatsoever except a Federal Reserve Bank or purchase or invest in bonds secured by mortgages upon real property unless such bonds and mortgages are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth and do not exceed two-thirds of the actual value of such real property and become due within ten years after the making of such purchase or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such purchase or investment or unless such bonds and mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is author-

ized to do business in Pennsylvania and is approved by the savings bank making the purchase or investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank The restrictions contained in this section with reference to real estate bonds shall not apply to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

Section 2 The said act is hereby further amended by adding after Section nine hundred ten the following new sections numbered nine hundred eleven and nine hundred twelve

Section 911 Liability Respecting Forged Altered or Raised Checks A An institution which has charged to the account of a depositor or which has otherwise paid any sum of money upon a forged altered or raised check or draft issued in the name of said depositor shall not be liable to such depositor for the amount charged to his account or otherwise paid upon such forged altered or raised check or draft unless a proper claim for such amount has been made upon such institution (1) within six months after notice to such depositor that the checks or drafts representing payments charged to the account of such depositor or otherwise paid during the period set forth in such notice are ready for delivery or (2) in case such notice has not been given within six months after the return to such depositor of the checks or drafts which have been charged to his account or otherwise paid

B This section shall not relieve a depositor from due diligence in the examination of returned checks or drafts or in otherwise discovering that a check or draft has been forged altered or raised or in the immediate notification of the institution upon his actual discovery of the forgery or alteration in amount or otherwise

Section 912 Limitations on Stop-Payment Orders Any revocation countermand or stop-payment order relating to the payment of any check or draft against an account of a depositor in any institution shall not remain in effect more than one year after the service thereof on such institution unless the same be renewed in writing Such renewals shall be in effect for not more than one year from the date of service thereof Additional renewals may be made from time to time Any notice affecting a check or draft upon which a revocation countermand or stop-payment order has heretofore been served upon an institution shall continue in full force and effect for a period of not more than one year after the effective date of this act unless renewed in accordance with the provisions of this section

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. EALY. Mr. President, I will have to vote against this bill because of one feature in it to which I cannot subscribe. I am not asking any of my colleagues to vote against this bill, because I have considered the possibility that everybody else could be right and I might be wrong in this matter, but in the Senate here a few days ago I made a remark to one of the newspaper correspondents that the laws of economics are as inexorable as the laws of nature, to which he replied that the laws of economics are the laws of nature.

In this bill there is a provision that savings banks may invest their trust funds and saving funds in mortgages upon real property, where the mortgages do not exceed two-thirds of the actual value of such real property, but if the investment is to be in bonds secured by the Federal Housing Administration there is no limitation under the Federal Housing Administration, loans are made up to ninety per cent of the supposed value of the property. The act itself indicates that to be an unsound proceeding, if the bank were to make it upon the property themselves, but because these bonds are insured by the Federal Authorities, therefore the investment is supposed to be sound. Well, what is unsound in one respect can not be made sound by having the Federal Government say they insure the bonds.

I have no objection to a Federal Housing Authority or a State Housing Authority that may be properly administered, but the objection I have is to the banks taking money which is entrusted to them for safe keeping or for proper investment and without permission of the persons who make deposits of that money, invest it in these securities which are basically unsound. When we say the government insures something, we forget the government is simply a collection of the people and the trouble has been that our government has invested in too many insecure things. If it is necessary to erect houses as temporary shelters for the defense workers, bonds might be issued for that purpose and the people can invest in them voluntarily as a patriotic duty, but it is not sound and it is not right to take the money of depositors in banks and trust companies and invest it in this class of securities.

We know that the Federal Government has increased the indebtedness of the United States to a very alarming extent. If we are going to recover or get out from under this burden, it can only be done through sound financing for the next fifty or seventy-five years, unless the Federal Government repudiates its debts, and that has been the situation in other countries in the past, and I do not see how this country can get out of doing the same thing, and that is the reason I think that these investments of the people's money are not proper.

At the time of the French Revolution the orgies of that revolution were due very largely to the fact that the government issued one issue of paper money after another, until it became a saying that the paper money press and the guillotine go hand in hand, one supplements the other. We know what happened at the time of the World War or shortly after the World War in Germany.

In one of the estates which I settled up some years ago

I found a great collection of German bonds, millions of dollars of paper marks. Of course this man had bought them up as an investment but they turned out to be perfectly worthless. I recall an incident which happened in my own county, where a lady related that she had been a citizen of Germany and after the World War her insurance policy on her deceased husband was paid to her in worthless marks. Before the war the amount would have been about \$35,000 but it was almost worthless in the paper money which was paid to her. If we do not get back to safe, sane and sound financing, our government can not expect to do anything different than the governments of other countries which have preceded us.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Edmonds,	Letzler,	Stiefel,
Becker,	Farrell,	Mallery,	Tallman,
Chapman,	Frey,	McCreesh,	Taylor,
Coleman,	Geltz,	McQuiddy,	Thomas,
Cox,	Haluska,	Miller,	Tyler,
Crider,	Heyburn,	Mundy,	Wade,
Crowe,	Homsher,	Ruth,	Watkins,
Deltrick,	James,	Scarlett,	Wilson, H. I.,
Dent,	Japan,	Shapiro,	Ziesenheim,

NAYS—8

Carr,	Ealy,	Reed,	Walker,
Cavalcante,	Lanius,	Snowden,	Wilson, T. B.,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS POSTPONED

Mr. GELTZ. Mr. President. I move that further consideration of Senate Bill No. 835, (House Bill No. 1435), on third reading, entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national-defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national-defense activities.

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 836, (House Bill No. 1438), on third reading, entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 837, (House Bill No. 1439), on third reading, entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed with reference thereto.

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 897, (House Bill No. 834), as follows:

An Act requiring persons selling "merchandise" as herein defined to place weighing and measuring devices in full view of the purchasers imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 That the word "person" as used in this act shall mean any individual firm partnership unincorporated association corporation association or agent representative or employe thereof

The word "department" when used in this act shall mean the Department of Internal Affairs

The word "merchandise" as used in this act shall mean any goods wares commodities mixtures or other preparation or thing which may be lawfully kept or offered for sale by weight or measurement at a fixed place of business

The words "weighing and measuring devices" shall mean any instrument device or object used for selling or offering for sale merchandise as approved by the department under the act approved the fifteenth day of May one thousand nine hundred twenty-one (P. L. 389) entitled "An act to regulate and control the manufacture sale offering for sale giving away and use of weights and measures and of weighing and measuring devices in the Commonwealth of Pennsylvania providing for the approval and disapproval of such weights measures and devices by the Bureau of Standards and prescribing penalties"

Section 2 Every person selling or offering for sale any merchandise at a fixed place of business shall place weighing and measuring devices in a position that their indicators may be accurately read and the weighing or measuring operation observed by the purchaser the position of the weighing and measuring device to depend upon the size and character of the indicating elements of the device which shall be determined by the department and the several county and city inspectors of weights and measures

Section 3 It shall be the duty of the department and the inspectors of weights and measures of the several counties and cities to enforce the provisions of this act

Section 4 The secretary of the department shall have power to adopt and promulgate such rules and regulations not inconsistent with the provisions of this act as may be deemed necessary to carry into effect the intent and purpose of this act

Section 5 Any person violating any of the provisions of this act shall upon summary conviction before a magistrate alderman or justice of the peace be sentenced for the first offense to pay a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) and costs of prosecution and in default thereof to undergo imprisonment of not less than ten days nor more than twenty-five days and for the second offense to pay a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) and costs of prosecution and in default thereof to undergo imprisonment of not less than twenty days nor more than sixty days and for the third and all subsequent offenses to pay a fine of one hundred dollars (\$100.00) and costs of prosecution and in default thereof to undergo imprisonment of not less than ninety days All such fines shall be paid over to the treasurer of the respective political subdivisions in which the offense was committed

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 7 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 908, as follows:

An Act to amend section seventeen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415) entitled "An act relating to the qualification jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs thereof the effects of their acts and appeals therefrom" further regulating proceedings before the register of wills and in the orphans' court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seventeen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415) entitled "An act relating to the qualifi-

cation jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs of thereof the effects of their acts and appeals therefrom" is hereby amended to read as follows

Section 17 Whenever a caveat shall be entered against the admission of any testamentary writing to probate and the person entering the same shall allege as the ground thereof any matter of fact touching the validity of such writing it shall be lawful for the register at the request of any person interested to issue a precept to either the court of common pleas or the orphans' court of the respective county directing an issue to be formed upon the said fact or facts and also upon such others as may be lawfully objected to the said writing in substantially the following form viz

(L S) County ss

The Commonwealth of Pennsylvania To the judges of the court of common pleas (or the orphans' court) of the said county Greeting Whereas A B on the day of in the year et cetera presented to G H our register of wills of said county for probate a certain writing hereto annexed purporting to have been made the day of in the year et cetera (or otherwise describing the paper in question) which said writing the said A B avers is the last will and testament of the said C D and whereas E D who is a son and heir of the said C D (or intermarried with F D who is a daughter and heir et cetera according to the fact) hath objected before our said register that the said writing was procured by duress and constraint (stating the matters of fact objected) and where as the said A B (or E D) hath requested that an issue may be directed into our said court to try by a jury the validity of the said writing and the matters of fact which may be objected thereto in our said court Therefore we command you that you cause an action to be entered upon the records of our said court as of the day of the delivery of this our precept into the office of the prothonotary of our said court between the said A B and the said E D so that an issue therein may be formed upon the merits of the controversy between the said parties and tried in due course according to the practice of our said courts in actions commenced by writ and further that you cause all other persons who may be interested in the estate of the said C D as heirs relations or next of kin devisees legatees or executors to be warned so that they may come into our said court and become party to the said action if they shall see cause and that you certify the result of the trial so had in the premises into the office of our said register

Attest G H Register of Wills of the said county

And the facts established by the trial had an certified to the register as aforesaid shall not be re-examined by the said register nor upon any appeal from his decision

When such precept is issued to the orphans' court of said county the issue shall be tried therein by a jury and the practice and procedure shall be the same as in cases when an issue is awarded by the orphans' court for a trial by jury in the orphans' court under the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 265) as amended by the Act approved the fifth day of May one thousand nine hundred and thirty-nine (P. L. 94) and the result of the trial shall be certified to the register

Section 2 The provisions of this act shall become effective immediately upon the final enactment thereof

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 911, on third reading, entitled:

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 923, (House Bill No. 943), on third reading, entitled:

An Act to reenact and amend section 441 of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" by authorizing boards of county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 934, entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 934

Mr. STIEFEL. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 934 passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. STIEFEL. Mr. President, I voted "aye."

Mr. GELTZ. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The first to the third sections, inclusive of the bill were severally reconsidered.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. STIEFEL. Mr. President, I desire to offer an amendment.

The amendment was read as follows:

Amend Section 1, page 2, line 7, by striking out after the word "of" and before the word "for" the words and figure [fifty cents (50c)], and inserting in lieu thereof the following: twenty-five cents (25c)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 935, as follows:

An Act to amend sections six hundred four six hundred five and six hundred seven and to further amend section two thousand four hundred seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" by further defining the duties of the Department of Internal Affairs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections six hundred four six hundred five and six hundred seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing

creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" are hereby amended to read as follows

Section 604 Estimates of Current Expenditures by Departments Boards and Commissions Each administrative department board and commission except the departments of which the Auditor General Secretary of Internal Affairs and the State Treasurer are respectively the heads shall from time to time as requested by the Governor prepare and submit to the Governor for approval or disapproval an estimate of the amount of money required for each activity or function to be carried on by such department board or commission during the ensuing month quarter or such other period as the Governor shall prescribe If such estimate does not meet with the approval of the Governor it shall be revised in accordance with the Governor's desires and resubmitted for approval

After the approval of any such estimate it shall be unlawful for the department board or commission to expend any appropriation or part thereof except in accordance with such estimate unless the same be revised with the approval of the Governor

If any department board or commission to which this section applies shall fail or refuse to submit to the Governor estimates of expenditures in accordance with the Governor's request the Governor may notify the Auditor General in writing of such failure or refusal and after receipt of such notice the Auditor General shall not draw any warrant in favor of such department board or commission until the Governor shall have notified the Auditor General in writing that the delinquent department board or commission has furnished him with and he has approved the estimate as required by this section

Section 605 Estimates of Current Expenditures by Departments of Elective Officers The Auditor General Secretary of Internal Affairs and State Treasurer shall from time to time as requested by the Governor prepare and submit to the Governor estimates of the amounts of money required for each activity or function to be carried on by their respective departments during the ensuing month quarter or such other period as the Governor shall prescribe

Section 607 Fiscal Year All books and accounts kept by the Auditor General Secretary of Internal Affairs and the State Treasurer and every department board and commission shall be kept as of the fiscal year which shall be the period beginning on the first day of June of each calendar year and ending on the thirty-first day of May of the calendar year next succeeding

Section 2 Section two thousand four hundred seven of said act as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (P. L. 1865) is hereby further amended to read as follows

Section 2407 Automobiles The Department of Property and Supplies shall upon the effective date of this act take over and thereafter assume responsibility for the maintenance and operation of all automobiles owned by the Commonwealth or any administrative department board or commission thereof except the Department of Highways

After the effective date of this act all automobiles required for use by the administrative departments boards commissions and officers of the State Government shall be purchased by the Department of Property and Supplies but in purchasing automobiles required for the use of any department board or commission having authority to purchase automobiles out of money appropriated to it

the Department of Property and Supplies shall act as purchasing agency

The Department of Property and Supplies shall make or contract for the making of all repairs to automobiles owned by the Commonwealth except those operated by the Department of Highways unless in any case it shall specifically authorize any department board commission or officer to make or order the making of repairs to any specified automobiles and except emergency repairs necessarily made while any automobile is away from its garage

The Department of Property and Supplies may assign to any department board or commission such automobiles as may be required by it for full-time daily use and such automobiles shall be operated by employes of such departments boards or commission. The department shall maintain a sufficient number of automobiles not assigned to departments boards or commissions to meet the requirements of departments boards and commissions which do not require the full-time daily use of automobiles and to meet extraordinary and occasional demands of all departments boards and commissions other than the Department of Highways. Such automobiles with or without chauffeurs shall be furnished to departments boards or commissions upon requisition of the heads of the respective departments or of the executive officers of the respective boards or commissions. This paragraph shall not be construed to prohibit a State officer or employe from being reimbursed for the use of his own automobile on State business but all such reimbursements shall be made under and subject to the rules of the Executive Board regulating the payment of expenses to State officers and employes

The cost of oil gasoline tires repair parts for and repairs to automobiles permanently assigned to departments boards and commissions shall be paid out of the appropriations to such departments boards and commissions but the Department of Property and Supplies shall contract for all such oil gasoline tires repair parts and repairs except that repairs may be made by the Department of Highways and if authorized as hereinbefore provided by other departments and by boards and commissions. For the use of other automobiles departments boards and commissions shall be billed by the Department of Property and Supplies upon a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall determine. Amounts payable for the use of such automobiles shall be paid out of the appropriations to such departments boards or commissions to the Department of Property and Supplies and shall be by it paid into the General Fund of the State Treasury through the Department of Revenue

The Department of Property and Supplies shall require every administrative department including the Department of Highways and every independent administrative and departmental administrative board or commission to report to it monthly upon forms supplied by it and with such detail as it shall require the places to and from which each automobile was operated the mileage traveled the amount of oil and gasoline purchased the names of employes of the department board or commission operating each automobile the names of the employes of the department board or commission for whom the automobiles were operated and such other information as may be necessary to enable the Department of Property and Supplies to make and keep complete records of the use and cost of operation of all State automobiles except that it shall not be necessary for the Department of the Auditor General the Department of Internal Affairs the Treasury Department or the Pennsylvania State Police to report the places to and from which or the names of the persons by or for whom automobiles were operated

The types and number of automobiles to be purchased by the Department of Property and Supplies hereunder shall be subject to approval by the Executive Board and the use of automobiles by State officers and employes shall be subject to the rules and regulations of the Executive Board

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deltrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 949, (House Bill No. 322), as follows:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of nineteen thousand one hundred dollars (\$19,100) or as much thereof as may be necessary is hereby specifically appropriated out of the Game Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of eight thousand two hundred dollars (\$8,200) and to the credit of the Contingent Reserve Account the sum of ten thousand nine hundred dollars (\$10,900).

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,

Cox,
Crider,
Crowe,
Deitrick,
Dent,

Heyburn,
Homsher,
James,
Jaspan,
Kephart,

Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,

Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 950, (House Bill No. 333), as follows:

An Act making an appropriation from the Fish Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Fish Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five thousand dollars (\$5,000) or as much thereof as may be necessary is hereby specifically appropriated out of the Fish Fund to the State Employees' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employees' Retirement Fund to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Fish Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employees' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of two thousand one hundred dollars (\$2,100) and to the credit of the Contingent Reserve Account the sum of two thousand nine hundred dollars (\$2,900)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,
Bartlett,
Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deitrick,
Dent,

DiSilvestro,
Ealy,
Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,

Lanius,
Letzler,
Mallery,
McCreesh,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,

Stevenson,
Stiefel,
Tallman,
Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 951, (House Bill No. 347), as follows

An Act making an appropriation from the Banking Department Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Banking Department Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-eight thousand fifty dollars (\$28,050) or as much thereof as may be necessary is hereby specifically appropriated out of the Banking Department Fund to the State Employees' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred and forty-one for payment from time to time into the State Employees' Retirement Fund to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Banking Department Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employees' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of twelve thousand fifty dollars (\$12,050) and to the credit of the Contingent Reserve Account the sum of sixteen thousand dollars (\$16,000)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,
Bartlett,
Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deitrick,
Dent,

DiSilvestro,
Ealy,
Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,

Lanius,
Letzler,
Mallery,
McCreesh,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,

Stevenson,
Stiefel,
Tallman,
Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 955, (House Bill No. 378), as follows:

An Act making an appropriation to the Chief Clerk of the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one thousand one hundred dollars (\$1,100) or as much thereof as may be necessary is hereby appropriated to the Chief Clerk of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania for the payment of the compensation and expenses of the Electoral College of 1940 as provided by article fifteen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) Payments from said appropriation shall be made in the regular manner or requisition of the Chief Clerk approved by the presiding officer of the college

Section 2 This act shall be effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Teyburn,	Reed,	Walker,
Crider,	Hornsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deltrick,	Japan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 964, (House Bill No. 940), on third reading, entitled:

An Act to amend section 1202 by adding thereto clause LX, of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519) entitled, "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" authorizing boroughs to appropriate moneys for the support of hospitals.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

The Senate proceeded to the third reading and consideration of Senate Bill No. 977, (House Bill No. 1230), as follows:

An Act to further amend section one and to amend section three of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 739), entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparing mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" by excluding certain juices and combinations of juices from the operation of the act and requiring separate registration for each bottling or manufacturing plant

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the four-

teenth day of May one thousand nine hundred and twenty-five (P. L. 730), entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" as last amended by the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (P. L. 2149) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "carbonated beverages" or "still drinks" as used in this act shall include all carbonated beverages or still drinks fruit juices and mineral waters when ready for use as a beverage whether still or carbonated and whether simple mixed or compounded The term shall not include undiluted fruit juice unsweetened or sweetened undiluted vegetable juice unseasoned or seasoned with salt or spices or any combination of two or more of the foregoing provided such juice or juices are pasteurized or sterilized at the time of preparation and are packed in air-tight sealed non-returnable containers provided further the term shall not include natural apple cider unfermented grape juice cereal beverages or carbonated beverages or still drinks made in imitation of beer bitter drinks or other similar beverages

The term "fruit juices" shall mean the natural juices of fruits sweetened or unsweetened which are marketed in bottles cans or other containers

The word "person" shall include individuals associations copartnerships and corporations

The singular shall include the plural the masculine shall include the feminine and neuter

Section 2 Section three of said act is hereby amended to read as follows

Section 3 Any person whether a resident or non-resident of this Commonwealth manufacturing or bottling any carbonated beverages or still drinks shall register such beverages with the Department of Agriculture by filing an application for such purpose on a form to be prescribed by the Department of Agriculture Such application shall state (a) the name and address of the applicant (b) the location of his manufacturing or bottling plant (c) the name of each beverage to be registered and (d) such other information as may be required by the Department of Agriculture The application shall be accompanied by a fee of fifty dollars The Department of Agriculture shall issue to each applicant a certificate of registration for all carbonated beverages or still drinks manufactured or bottled by him Where the applicant manufactures or bottles in more than one plant separate application shall be made for each plant Such registration shall expire one year from the issuance thereof unless renewed annually by the payment of a fee of fifty dollars

The Department of Agriculture may revoke any registration whenever it is determined by it that any of the provisions of this act or of any other act relating to carbonated beverages or still drinks have been violated

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 980, (House Bill No. 1330), as follows:

An Act making an appropriation from the State Stores Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Stores Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred forty-seven thousand five hundred dollars (\$247,500) or as much thereof as may be necessary is hereby specifically appropriated out of the State Stores Fund to the State Employees' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employees' Retirement Fund to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Stores Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employees' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of one hundred five thousand five hundred dollars (\$105,500) and to the credit of the Contingent Reserve Account the sum of one hundred forty-two thousand dollars (\$142,000)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 981, (House Bill No. 1332), as follows:

An Act making an appropriation from the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five hundred seventy-nine thousand six hundred dollars (\$579,600) or as much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the State Employees' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employees' Retirement Fund to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employees' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of two hundred four thousand three hundred dollars (\$204,300) to the credit of the Contingent Reserve Account the sum of two hundred seventy-five thousand three hundred dollars (\$275,300) and to the credit of the Pennsylvania Motor Police Retirement Account the sum of one hundred thousand dollars (\$100,000)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 983, (House Bill No. 1343), as follows:

An Act making an appropriation of moneys in the Motor

License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty thousand dollars (\$30,000) or as much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the Board of Finance and Revenue for the two fiscal years commencing June first one thousand nine hundred and forty-one for the payment of the compensation to the Commonwealth's Loan and Transfer Agent for services rendered in connection with the registration transfer and payment of interest on highway bonds and for other services required to be performed by the said Loan and Transfer Agent Payments from such appropriation shall be made at such times and in such amounts and upon such basis as may be provided by law or agreed upon between the Board of Finance and Revenue and the said Loan and Transfer Agent

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Cridler,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deltrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 984, (House Bill No. 1344), as follows:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eleven million two hundred eighteen thousand six hundred ninety-nine dollars and fifty-five cents (\$11,218,699.55) is hereby specifically appropriated from the Motor License Fund to the Board of Finance and Revenue for payment into the Sinking Fund to meet interest and sinking fund requirements on the State debt for the two fiscal years commencing June first one thousand nine hundred and forty-one The amount hereinbefore appropriated shall be transferred by the Auditor General and the State Treasurer upon requisition of the Board of Finance and Revenue from the Motor License Fund to the Sinking Fund on or before the dates and in the amounts set forth in the following schedule

Dates	Principal	Interest	Total
July 1 1941	\$683,972.69	\$445,465.00	\$1,129,437.69
August 1 1941 ..	214,736.61	292,200.00	506,936.61

September 2 1941	660,138.29	228,440.00	888,578.29
October 1 1941 ..	313,818.29	120,000.00	433,818.29
December 1 1941	384,958.90	200,000.00	584,958.90
January 2 1942 .	20,440.00	445,465.00	465,905.00
February 2 1942		292,200.00	292,200.00
March 2 1942 ...	10,150.00	188,440.00	198,590.00
April 1 1942....	687,591.66	146,666.67	834,258.33
June 1 1942	138,000.00	160,000.00	298,000.00
July 1 1942	683,972.69	445,465.00	1,129,437.69
August 1 1942 ..	214,736.61	292,200.00	506,936.61
September 1 1942	660,138.29	188,440.00	848,578.29
October 1 1942 ..	313,818.29	120,000.00	433,818.29
December 1 1942	384,958.90	160,000.00	544,958.90
January 2 1943 .	20,440.00	445,465.00	465,905.00
February 1 1943		292,200.00	292,200.00
March 1 1943 ...	10,150.00	188,440.00	198,590.00
April 1 1943	687,591.66	120,000.00	807,591.66
June 1 1943	168,000.00	160,000.00	328,000.00

Total \$6,237,612.88 \$4,931,036.67 \$11,218,699.55

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Cridler,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deltrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 985, (House Bill No. 1345), as follows:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to the State employees receiving compensation from the State Workmen's Insurance Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-five thousand eight hundred dollars (\$25,800) or as much thereof as may be necessary is hereby specifically appropriated out of the State Workmen's Insurance Fund to the State Employees' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employees' Retirement Fund to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State Employees receiving compensation from the State Workmen's Insurance Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employees' Retirement Fund to the credit of the State Annuity Reserve Account Number

Two the sum of eleven thousand one hundred dollars (\$11,100) and to the credit of the Contingent Reserve Account the sum of fourteen thousand seven hundred dollars (\$14,700)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Hayburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 987, (House Bill No. 1417), on third reading, entitled:

An Act making an appropriation to The General State authority to defray the costs and expenses of the said Authority in connection with the organization administration and operation thereof.

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 989, (House Bill No. 1463), as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of seven million seven hundred eighty-one thousand two hundred forty dollars (\$7,781,240) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the two fiscal years beginning June first one thousand nine hundred forty-one for the payment by the Commonwealth of annual rates rentals and other charges for the use and occupancy of or the right to use or

occupy the projects structures buildings and facilities leased by The General State Authority to the Commonwealth or for services rendered by the Authority or its projects Payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Hayburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1000, (House Bill No. 567), on third reading, entitled:

An Act to reenact and amend the title and the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further con-

sideration of Senate Bill No. 1001, (House Bill No. 750), on third reading, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to convey to the county commissioners of Somerset County certain real property located in said county and heretofore acquired by the Commonwealth for development as an airport.

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1019, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphan School to acquire a certain tract of land for the use of said school and making an appropriation therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphans School is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania a certain tract or tracts of land of twenty acres more or less contiguous to the property at Scotland in Franklin County now used by said school said property to be used for agricultural purposes the raising of farm crops and any other educational purposes in connection with the school

Section 2 Said tract or tracts of land when purchased shall be added to the lands of the Pennsylvania Soldiers' Orphan School The deeds of conveyance shall be deposited with the Secretary of Internal Affairs

Said lands shall not be acquired until the titles thereof have been approved by the Department of Justice

Section 3 The sum of three thousand five hundred dollars (\$3,500) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract or tracts of land and the expenses incidental thereto including title searches

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Vade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deltrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1028, on third reading, entitled:

An Act declaring that the soil under tidal waters within the boundaries of the Commonwealth belongs and has always belonged, to the Commonwealth of Pennsylvania; vesting in the Navigation Commission for the Delaware River and its Navigable Tributaries the supervision, management and control thereof, directing the said Commission to require all persons, firms or corporations desiring to dig; dredge or remove any sand, gravel or other soil under tidal water of said river and its tributaries to obtain a license for so doing and to pay a reasonable royalty to be fixed by said Commission for the use of the Commonwealth, and providing penalties for the digging, dredging or removal of sand, gravel or other soil without procuring such license and entering into such agreement

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1029, on third reading, entitled:

An Act creating a Joint Legislative Committee for the purpose of making a thorough study and investigation of the State Employees' Retirement System providing for its appointment authorizing the employment of necessary clerks and assistants authorizing the subpoenaing of witnesses and records and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1052, (House Bill No. 849), as follows:

An Act to further amend the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointments of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties" further regulating the issuing to and revocation and suspension of licenses of weighmasters requiring the use of suitable scales regulating the issuing use and keeping of weighmasters' certificates conferring powers and imposing duties upon state city and county inspectors of weights and measures and the Department of Internal Affairs declaring certain proofs to constitute prima facie evidence of a violation of the act extending the provisions of said act to cases heretofore exempted and prescribing additional and increased penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointments of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties" sections one and six of which were

amended by the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 865) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the term "solid fuel" when used in this act shall mean anthracite semi-anthracite bituminous semi-bituminous or lignite coal briquettes boulets coke gas-house coke petroleum coke [petroleum] carbon charcoal or any other natural manufactured or patented fuel not sold by liquid or metered measure

The term "person" when used in this act shall be construed to include any individual partnership unincorporated association or corporation

The term "licensed weighmaster" when used in this act shall include a person licensed to weigh solid fuel by this Commonwealth or by a bordering state issuing such licenses and recognizing licenses and weight certificate issued by such licensees in this Commonwealth

The word "department" when used in this act shall mean the Department of Internal Affairs of the Commonwealth

The word "weighmaster" when used in this act shall mean a weighmaster licensed under this act by the Department of Internal Affairs

Section 2 It shall be unlawful to sell solid fuels excepting by avoirdupois weight No person shall sell or deliver or start out for delivery less than two thousand (2000) pounds avoirdupois of weight to the ton of any solid fuel or a proper proportion thereof in quantities less than a ton and such solid fuel shall be duly weighed by a licensed weighmaster of the Commonwealth of Pennsylvania on accurate scales [and] suitable for weighing a tare and the gross weight of the vehicle or vehicle and trailer transporting solid fuel located in this state and which has been tested and approved by an official empowered by law to test such scales A tolerance at the rate of thirty (30) pounds to [the ton] two thousand pounds shall be allowed for [unavoidable] wastage and [unavoidable] variation in scales

Section 3 (1) No person upon the sale or purchase of solid fuel shall deliver or cause to be delivered or to be started out for delivery any solid fuel in a lot or lots in amounts of exceeding one hundred (100) pounds without each lot in each separate compartment of any vehicle or vehicle and trailer being accompanied by a [weight] weighmaster's certificate for each lot issued by a licensed weighmaster [on which shall be distinctly expressed] of the Commonwealth of Pennsylvania

(2) Weighmaster's Certificates shall be issued only on forms prescribed and furnished by the department or on forms approved by the department and procured by weighmasters or their employers under the supervision and control of the department and shall be in triplicate All weighmasters certificates shall be serially numbered and the copies thereof shall bear the same serial number as the original Forms of official weighmaster certificates furnished by the department shall be issued to weighmasters or their employers except that in cities of the first class such forms shall be issued to the Bureau of Weights and Measures which shall in turn furnish such forms to weighmasters Such forms shall be furnished by the Department at approximately cost and cities of the first class shall furnish such forms to weighmasters at the price paid to the department In case forms are procured by weighmasters or their employers with the approval and under the supervision and control of the department such forms shall bear the serial number assigned by the department The department shall keep a record of the serial number of all certificates issued to weighmasters and their employers and to cities of the first class and the Bureau of Weights and Measures of said cities shall keep a record of the serial numbers of all certificates issued to weighmasters located within the city

(3) The original weighmaster's certificate shall be typewritten or made out in ink or indelible pencil and the original and each copy thereof shall show

(a) [In pounds] The [weight] kind and size of the solid fuel

(b) The name and address of the seller of the solid fuel

(c) The name and address of the purchaser

(d) The license number of the vehicle [and]

(e) The signature and license number of the licensed weighmaster by whom weighed and who issued the weighmaster's certificate

(f) The date and hour when weighed

(g) The gross weight in avoirdupois pounds of vehicle and load the tare weight and the net weight of the solid fuel and where the load is divided into lots the net weight of each such lot all of which must be determined by the same weighmaster in accordance with the rules and regulations of the department except where reweighing is required by ordinance within the limits of a city borough town or township of the first class in which delivery is made in which case the gross weight of the vehicle and load shall first be determined without dumping and after the delivery of the entire load of solid fuel the vehicle shall immediately return to the same scale for the determination of the tare weight

[In all cases the weight certificate shall be delivered to the purchaser]

(4) The original copy of a weighmaster's certificate shall be delivered to the purchaser of the solid fuel specified in the certificate one copy thereof shall be retained at the place of weighing and one copy shall be retained by the person delivering the solid fuel Copies of weighmaster's certificates in possession of licensed weighmasters and persons delivering solid fuel shall be retained for a period of two years and shall be subject to inspection by any state county or city inspector of weights and measures during business hours

(5) When solid fuel is sold in lots [of less than] not exceeding one hundred (100) pounds the provisions of this section shall not apply if the solid fuel is delivered in closed containers or closed bags and the net contents of such bag or container expressed in avoirdupois pounds is plainly stamped or printed thereon or upon a tag securely attached thereto

(6) This section shall not apply to the sale of a boatload or railroad carload of solid fuel delivered direct from the boat or car to one purchaser and accepted as to weight by the purchaser on the bill of lading or other voucher issued by the carrier

Section 4 Where any person shall for practical reasons be unable to deliver solid fuel to the purchaser originally designated in the [weight] weighmaster's certificate he may [under specific authority of any licensed weighmaster] substitute the name and address of another purchaser Provided That report of such substitution is made to the licensed weighmaster within twenty-four hours

Section 5 Any state county or city inspector of weights and measures [official of this State or of any local government of this State] who finds any quantity of solid fuel ready for on in process of delivery may inspect the same as to its weight and may direct the person in charge of the delivery of the solid fuel to convey the same to the nearest available [accurate] scales operated by a weighmaster designated by said [official] inspector Such [official] inspector shall thereupon determine the gross weight of the solid fuel and the vehicle on which it is carried and shall direct such person in charge to return to such scales forthwith upon unloading the solid fuel and upon such return the [official] inspector shall determine the weight of the vehicle without load and determine the net weight of the solid fuel delivered No person in charge of a vehicle containing such solid fuel or from which such solid fuel has been unloaded shall fail to take the vehicle upon the direction of the inspector of weights and measures [official] to scales as aforesaid or refuse to permit the solid fuel or vehicle to be weighed by such official

Section 6 (1) No person shall make or issue a [weight] weighmaster's certificate of solid fuel unless licensed by the [Secretary of the] department [of Internal Affairs] [of this Commonwealth] except as otherwise provided in this act Application for such license shall be made upon a form prescribed by [the secretary of] [said] the department and shall [indicate] show the place where the weighmaster shall perform this function and the type

and capacity of the scale to be used by the applicant The applicant shall furnish satisfactory evidence that he owns or leases a scale suitable for weighing the tare and gross weight of a vehicle or vehicle and trailer transporting solid fuel or that he is regularly employed by the owner or lessee of such a scale and that he is of good moral character and of ability to weigh accurately and to make correct weight certificates The department may refer any application for a license as a weighmaster to any city or county inspector of weights and measures for report as to the accuracy of the statements made therein the suitability of the scale the moral character of the applicant and such other information as the department may require The applicant shall pay a license fee of five dollars (\$5) to the [secretary of the said] department for remittance to the State Treasurer through the Department of Revenue and the State Treasurer shall return annually two dollars and fifty cents (\$2.50) of each such fee to the treasurer of the city or county wherein such scale is located The license shall be for a period [not exceeding three years] of one year from the date of issue A license may be renewed in the discretion of the [secretary] department for successive periods of not exceeding [three years] one year each upon payment of a license fee of five dollars (\$5) to the [Secretary of the] department [of Internal Affairs] for remittance to the State Treasurer through the Department of Revenue and the State Treasurer shall return annually two dollars and fifty cents (\$2.50) of each such fee to the county treasurer of the city or county wherein such scale is located Each license shall be kept conspicuously displayed at the place where the weighmaster is engaged in weighing [and shall be open to inspection] In the event of the change of any name or address appearing on any application the licensed weighmaster shall notify the department of such change within forty-eight hours

A license may be suspended or revoked by [the Secretary of] the department [of Internal Affairs] after hearing upon due notice to the licensee for dishonesty incompetency inaccuracy or [for] failure to notify the department of any change of name or address stated in his application and may be revoked by the Department without hearing if the licensed weighmaster has been found guilty of any violation of the provisions of this act [and must be revoked by the secretary when] or where the licensed weighmaster has [lost his employment] ceased to be employed at the place of weighing for which the license has been issued

Upon the revocation of a weighmaster's license the forms of weighmaster's certificates in his possession shall immediately be surrendered to the department

[Provided however That in any case] (2) Where a license has been suspended or revoked [any person] another licensed weighmaster shall be authorized to substitute at the place for which said suspension or revocation was made [another weighmaster in his employ and duly certified as such under the provisions of this act] for five successive days pending disposition by the [Secretary of Internal Affairs] department of a new application for license of a new applicant as weighmaster at the place for which the license has been suspended or revoked [And provided further That the said new application must be forwarded to the Secretary of Internal Affairs within five days of the substitution of another weighmaster]

(3) In case of the decease absence or inability to act of a licensed weighmaster any [person] the owner of the scales may substitute for such deceased [or] absent or disabled weighmaster another weighmaster in his employ and duly certified as such under the provisions of this act Provided That immediate notice of such substitution be reported by said [person] owner to the [Secretary of Internal Affairs] department and further provided That any such substituted weighmaster shall not be authorized to continue as weighmaster at the place of substitution for a period in excess of thirty days [unless] without the written consent of the [Secretary of Internal Affairs] department

Whenever any bordering state requiring licenses and

weight certificates for solid fuel recognizes licenses and accepts weight certificates issued by licensees of this Commonwealth such licenses and weight certificates of such state shall be recognized and accepted in this Commonwealth

Section 7 It shall be unlawful for any weighmaster to issue a false or incorrect [weight] weighmaster's certificate or for any person to solicit him to do so [It shall be unlawful for any person knowingly] or for any person to use or issue any weighmaster's certificate except one prepared on a form issued or approved by the department or for any person to print or distribute any forms of weighmaster's certificates unless authorized so to do by the department or to use a false or incorrect [weight] weighmaster's certificate or [to use a weight] a weighmaster's certificate not bearing the signature and license number of a licensed weighmaster and the license number of the vehicle [It shall be unlawful] or for any weighmaster knowingly to permit any [weight] weighmaster's certificate to be issued or used which purports to bear his signature and which was not in fact signed by him at the time of weighing or which expresses a gross tare or net weight not ascertained by him [It shall be unlawful] or for any person to deliver solid fuel without [a weight] an official weighmaster's certificate or to permit any diminution of the load of solid fuel before its delivery to the purchaser or purchasers thereof or except as otherwise provided in this act to fail neglect or refuse to deliver a correct and lawful [weight] weighmaster's certificate to the purchaser of solid fuel whose name and address appears on said weighmaster's certificate or to otherwise directly or indirectly violate any of the provisions of this act

Whenever the gross weight of a vehicle and load the tare weight and the net weight of solid fuel has been determined in accordance with the provisions of this act and the net weight of the solid fuel shall be determined to be less than that stated in a weighmaster's certificate proof of such determination shall constitute prima facie evidence of the diminution of the load of solid fuel before delivery to the purchaser

Section 8 Any person violating any of the provisions of this act shall upon summary conviction before a magistrate be sentenced for the first offense to pay a fine of not less than twenty-five (\$25) or more than fifty dollars (\$50) and costs of prosecution and in default of payment thereof shall undergo imprisonment for [not more than] ten days and for the second offense be sentenced to pay a fine of not less than fifty dollars (\$50) or more than one hundred dollars (\$100) and costs of prosecution and in default of payment thereof shall undergo imprisonment for [not more than thirty] twenty days and for the third [and each succeeding] offense shall be sentenced to pay a fine of not less than one hundred dollars (\$100) or more than two hundred dollars (\$200) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for thirty days

Any person violating any of the provisions of this act for a fourth or subsequent offense shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100) or more than three hundred dollars (\$300) or suffer imprisonment for not more than sixty days or both

In cities of the first class all hearings shall be held before a magistrate who shall hear such purported violations for one month only and thereafter another magistrate shall be assigned to hear such cases until all magistrates of such city have been assigned to such hearings It is hereby declared to be the legislative intent that there be a rotation of magistrates assigned to such hearings in the same manner as that provided by section eleven of the "Magistrates' Court Act of 1937" approved the fifteenth day of June (P. L. 1743)

Section 8.1 Any state county or city inspector of weights and measures in whose presence a violation of this act has or is being committed shall have power without warrant to arrest the offender and conduct him before an alderman magistrate or justice of the peace of the city or county where the offense was committed and there make

information before such officer which shall be disposed of according to law

Section 8.2 The Secretary of Internal Affairs shall have power to adopt and promulgate such rules and regulations not inconsistent with the provisions of this act as may be deemed necessary to carry into effect the intent and purpose of this act

Section 8.2 Every city borough town or township of the first class shall have power to require by ordinance that the tare and gross weight of a vehicle or vehicle and trailer transporting solid fuel for delivery within its limits shall be weighed therein and the net weight of the solid fuel determined notwithstanding that such weighing was theretofore done in some other political subdivision and shall have power to impose reasonable fees in connection with such weighing and the keeping of records thereof

Section 9 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of the act It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 10 In any case where under the provisions of any contract it is provided that solid fuel shall be sold at costs by an employer producers to his employes for their own use and consumption such solid fuel may be sold by cubic contents instead of weight but no solid fuel so sold shall be transported over the highways of the Commonwealth from the place of production to the residence of the employe unless the operator of the vehicle has in his possession a certificate of origin furnished or approved by the department Such certificates of origin shall contain such information as may be prescribed by the department and shall be signed by the producer or his agent and a copy of each certificate issued shall be kept at the place of production for at least two years

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll the following occurred:)

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Fayette will state his point of information.

Mr. CAVALCANTE. Mr. President, how did the gentleman from Northumberland, Mr. Deitrick, vote?

Mr. DEITRICK. Mr. President, I voted "aye."

Mr. CAVALCANTE. Mr. President, I desire to change my vote from "no" to "aye."

The PRESIDENT. The vote of the gentleman from Fayette will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bart,
Bartlett,
Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Cridger,
Crowe,
Deitrick,
Dent.

DiSilvestro,
Ealy,
Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,

Lanius,
Letzler,
Mallery,
McCreesh,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,

Stevenson,
Stiefel,
Tallman,
Taylor,
Thomas,
Tvler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Willson, T. B.,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1054, as follows:

An Act to amend sections four five twenty-six thirty thirty-one and thirty-eight of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended by adding thereto after clause (d) a new clause to read as follows

Section 4 Powers of Commission Regulation Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners

* * * *

(e) The commission shall have power to correct its records without requiring any action of the registered elector (1) where the mailing address of the registered elector has been changed by the renaming of a street the renumbering of a house or the changing of a post-office (2) where the election district of the registered elector has been changed through a change in the bound-

daries of any election district Notice of such action shall be mailed promptly to any registered elector whose registration has been so corrected

Section 2 Clause (f) of section five of said act is hereby amended to read as follows

Section 5 Employees Registrars Inspectors of Registration Duties Appointment Incompatible Offices

(f) Any inspector of registration when directed by the commission shall (1) investigate all questions relating to the registration of electors in boroughs towns and townships and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within any borough town or township and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment and the commission shall have power to utilize any information so obtained to secure the correction of its records in accordance with the provisions of this act

(2) Inspect in like manner and copy any register of lodgers in any lodging-house inn or hotel relating to or affecting the right of any person to vote or to be registered in any borough town or township

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such borough town or township to assist the inspector of registration in the maintenance of the peace at any place of registration or in making any arrest

Section 3 Clause (b) of section twenty-six of said act as amended by the act approved the twenty-first day of June one thousand nine hundred thirty-nine (P. L. 606) is hereby further amended to read as follows

Section 26 Removal Notices

* * * *

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than thirty days next preceding the primary or election Provided That any elector who removes his residence from one place to another within the same election district and who has not yet filed a removal notice with the commission may be permitted to vote at the election or primary next following such removal if at the time of signing voter's certificate he files with the judge of election a signed removal notice properly filled out All such removal notices shall be returned to the commission with the voting check list and the commission shall proceed to transfer the registration of such electors in accordance with the provisions of this act

Section 4 Section thirty of said act is hereby amended to read as follows

Section 30 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request of the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States

Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the boroughs towns and townships by either of the methods provided for in subsections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall either (1) direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by [section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector] clause (e) of this section or (2) mail to such registered elector at the address given on his registration card the notice prescribed by clause (e) of this section Such notice when mailed shall be sent as first-class mail and shall contain on the outside a request to the postmaster to forward it if the addressee does not reside at the address given thereon

(e) The notice stipulated by clause (d) of this section shall require the registered elector to communicate with the commission on or before a date which the commission shall designate and which shall be not less than ten days and not more than thirty days from the service or mailing of the notice and in any case not later than the fifteenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector At the expiration of the time specified in the notice the commission shall cancel the registration of such person who has not communicated with the commission and proved his qualifications as an elector Provided That when any registered elector who has been mailed the notice prescribed by this clause shall communicate with the commission claiming the right to remain registered at the address to which the original notice was mailed the commission shall cause an investigation to be made of such claim and if not satisfied of the right of the elector to remain registered at such address shall cancel the registration of the elector Every elector whose registration is cancelled in accordance with the provisions of this section shall be required to register in the manner provided by this act in order to be eligible to vote at any ensuing election or primary

Section 5 Section thirty-one of said act is hereby amended to read as follows

Section 31 Canvass of Registered [Voters] Electors

(a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district in the boroughs towns or townships of the county by visiting each building from which an elector registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person [a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such confirmation to be plainly marked that it is not to be forwarded] the notice prescribed by clause (e) of section thirty of this act

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not [personally appeared] com-

municated with the commission and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration. They shall be qualified electors of the county and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 6 Section thirty-eight of said act is hereby amended to read as follows

Section 38 Cancellation of Registration Upon Failure to Vote Within Two Years Request for Reinstatement Within three months after the municipal election held in the year one thousand nine hundred and thirty-nine and within three months after each general and municipal election thereafter except in such years as the commission shall conduct a check of electors in compliance with lause (c) of section thirty of this act the registration commission shall cause all of the district registers to be examined and in the case of each elector who has been registered for a period of at least two years and who is not recorded as having voted at any election or primary within the period of two years immediately preceding the date of said municipal or general election the commission shall send to such elector by mail at his address appearing upon his registration card a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him. At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided. The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently reregister by personal application to the commission or a commissioner or a registrar or a clerk in the manner provided by this act

Section 7 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1064, (House Bill No. 848), on third reading, entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been changed from a fourth class district to one of another class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1070, (House Bill No. 1331), as follows:

An Act making an appropriation from the Manufacturing Fund to the State Employees Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven thousand three hundred fifty dollars (\$7,350) or as much thereof as may be necessary is hereby specifically appropriated out of the Manufacturing Fund to the State Employees' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employees' Retirement Fund to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employees' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of three thousand one hundred fifty dollars (\$3,150) and to the credit of the Contingent Reserve Account the sum of four thousand two hundred dollars (\$4,200)

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,

Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1074, (House Bill No. 1470), as follows:

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Superintendent of Public Instruction shall have power to investigate the need for and to establish supervisory and conduct practical arts and vocational agriculture home economics and industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and occupational adjustment of out-of-school unadjusted persons over sixteen years of age who have left school and who due to changing conditions are in need of training retraining and instruction and occupational adjustment in order to enter re-enter employment or to continue in employment and for such purposes shall have power to employ the necessary teachers supervisors and coordinators to conduct such special schools classes and adjustment offices in an effective manner and to pay from the appropriation made by this act and from other available state funds appropriated to aid school districts in the establishment and maintenance of such school departments or classes and from Federal funds provided for the development and further development of vocational education and for the salaries of said teachers supervisors and coordinators

Section 2 No practical arts or vocational agriculture home economics industrial or commercial school or class established by a school district under the provisions of this act shall be deemed to replace supplant or discontinue any vocational agriculture home economics industrial or commercial school or class established by a school district under the provisions of the act approved the first day of May one thousand nine hundred and thirteen (P. L. 3) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" and amendments thereto unless a school district presents evidence satisfactory to the Superintendent of Public Instruction that it is no longer able to share the expense incident to the payment of salaries of teachers in such schools and classes as required by said act and nothing herein contained shall be construed to alter amend repeal suspend any of the provisions of said act of May first one thousand nine hundred and thirteen and its amendments

Section 3 If during the first fiscal year any appropriation allocated by the Department of Public Instruction for that year is not expended such remaining portion of the appropriation may be allocated to other school dis-

tricts or to districts which have exceeded the amounts allocated to them on the basis of the need and in such amounts as the Superintendent of Public Instruction may direct Salaries of teachers of classes and activities authorized by this act for which no Federal contribution is made shall be paid from state funds

Section 4 The sum of seventy-five thousand dollars (\$75,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction to carry out the provisions of this act for the payment of salaries of teachers supervisors and coordinators for necessary traveling and hotel expenses and for the payment of all other necessary and proper expenses incidental to carrying into effect the provisions of this act

Section 5 This act shall become effective on the first day of June one thousand nine hundred forty-one and shall remain in force until May thirty-first one thousand nine hundred forty-three

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanier,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1076, (House Bill No. 1493), as follows:

An Act to amend the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employees as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties therefore performed by such officers or employees respectively and providing for the compensation of such substitutes" by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or

wages of such officers or employes under certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" is hereby amended to read as follows

Section 2 Any said officer or employe so enlisting enrolling or drafted and having a dependent or dependents as aforesaid may at the time of his enlistment enrollment or draft or immediately thereafter file with the head or chief of the department bureau commission or office in which he is employed a statement in writing executed under oath setting forth the fact and date of this enlistment enrollment or draft his intention to retain his said office or employment and to resume the duties thereof after the expiration of his service in the military or naval service or any branch or unit thereof and the names and addresses of his wife children and dependent parent or parents if any such he have and requesting and directing that one-half of the salary or wages of his said office or employment not exceeding two thousand (\$2,000) dollars per annum shall be paid during his service in the military or naval service or any branch or unit thereof as follows

If he is a member of the State Employees' Retirement Association or the Pennsylvania Motor Police Retirement System he may direct the State Treasurer to pay into the State Employees' Retirement Fund an amount certified to the State Treasurer by the State Employees' Retirement Board in a manner now or hereafter provided by law The balance thereof if [If] he have a wife to his wife for her use and that of his children if he have children and no wife then to such person as he may designate for the use and benefit of his children If he have a dependent parent or parents then he shall direct such sum as he has theretofore been accustomed to contribute to their support to be paid to them and the amount payable to his wife or children if any he have shall be proportionately decreased If he have no wife or children he may direct the entire one-half of his said salary or wages not exceeding two thousand (\$2,000) dollars per annum to be paid to his dependent parent or parents if any such he have all sums so directed to be paid shall be paid to the Commonwealth agency and/or the person designated in the same proportional instalments as nearly as may be as the salary or wages of such person were theretofore paid to him With such statement he shall also file powers of attorney authorizing the Commonwealth agency and/or the proper dependents to receive their proportion of said salary or wages as aforesaid

Section 2 This act shall be effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1077, (House Bill No. 1494), on third reading, entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1078, (House Bill No. 1495), on third reading, entitled:

A Supplement to the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employees' Retirement Fund under the Administration of the State Employees' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL
PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1080, (House Bill No. 1636), as follows:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In the interests of national defense and the advancement of aviation the Secretary of Property and Supplies with the approval of the Governor is hereby authorized to give and transfer unto the Government of the United States or any department agency or instrumentality thereof including among others the Civil Aeronautics Administration all visual and radio aviation navigational aids now the property of the Commonwealth of Pennsylvania and in the possession of the Division of Aeronautics of the Department of Revenue

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsheer,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1083, (House Bill No. 1670), as follows:

An Act validating the action of cities of the third class in constructing section of their sewer systems outside of their territorial limits and making such sections lawful sewers of such cities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Wherever heretofore any city of the third class shall have constructed any portion of its sewer system outside the territorial limits of such city by laying sewer pipes out from such city through a portion of a township and back into the city the action of the city in so doing is hereby ratified confirmed and made valid notwithstanding the fact that such action was not authorized by any act of Assembly in force at such time And the section of the sewer system of such city so laid outside of its territorial limits shall be and remain a law-

ful sewer of such city in like manner as though it had been constructed pursuant to lawful authority

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsheer,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1087, on third reading, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey certain tracts of coal lands in Hempfield Township, Westmoreland County, Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1099, on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by defining qualifications for certification as a supervising principal by the Department of Public Instruction.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1108, (House Bill No. 820), on third reading, entitled:

An Act to amend section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile tax license on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended exempting from the mercantile license tax so much of the business of manu-

facturers producers and mechanics as comprises the vending of goods of their manufacture or production from their factories places of production, loading pockets, places of storage and workshops.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1114, as follows:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Public Instruction with the approval of the Board of Trustees of Indiana State Teachers' College is hereby authorized to enter into a contract with the Borough of Indiana Indiana County for the erection and construction of a sewage disposal plant and for the connection therewith and use thereof by the Indiana State Teachers' College and for the future payment by the Commonwealth of a proportionate part of the cost of maintenance of such sewage disposal plant

Section 2 The sum of twenty-one thousand dollars (\$21,000) or so much thereof as shall be necessary is hereby appropriated to the Department of Public Instruction for the payment of the Commonwealth's share of the cost of the erection and construction of such sewage disposal plant and the necessary sewer lines and connections to connect with the same

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deltrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1117, on third reading, entitled:

An Act to amend section 1 of the act, approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 901), entitled "An act for the protection of producers of farm produce, providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by redefining the term "Dealer in farm produce."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1146, (House Bill No. 1323), as follows:

An Act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for the conveyance by said city of Wildwood Park to the Commonwealth providing for the transfer of said park to the Department of Forests and Waters and the use thereof by the department as a State park and by other departments boards and commissions for their respective purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the consent of the Department of Military Affairs and subject to the approval of the Governor is hereby empowered to sell and convey all of the grounds buildings utilities or other facilities of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for a grant and conveyance by the City of Harrisburg of two thousand five hundred acres more or less of woodland in Susquehanna Township northeast of said city now known as "Wildwood Park" Before such exchange of conveyances shall be made the title to Wildwood Park acquired by the Commonwealth shall be approved by the Department of Justice.

Section 2 The Department of Military Affairs is hereby authorized to take and remove the fence now surrounding the property of the Pennsylvania State Arsenal for use on other property subject to the control of the Department of Military Affairs and to transfer all State and Federal supplies that may be now stored in the arsenal to other property under the control of the department In the event such removal or transfer have not been effected prior to the conveyance hereinbefore authorized such conveyance shall be made subject to the right of the Department of Military Affairs to remove the same

Section 3 The property at Wildwood Park to be acquired by the Commonwealth shall be transferred to the Department of Forests and Waters which shall maintain the same as a State park and shall have power by interdepartmental agreements to permit the use of any portions thereof by any other department board or commission of the State government for use in connection with the activities administered by such departments boards or commissions

Section 4 The act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 671) entitled "An act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell or exchange and convey the property of the Pennsylvania State Arsenal at Harrisburg appropriating the proceeds thereof to the Department of Military Affairs

and providing for the construction of an arsenal or warehouse on the military reservation at Indiantown Gap and for the removal of State and Federal supplies thereto" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1164, (House Bill No. 1676), as follows:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by defining and making further provision relative to the installation and use of "man lift" elevators

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" as reenacted by the act approved the eighth day of April one thousand nine hundred and thirty-seven (P. L. 277) is hereby amended to read as follows

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act "Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Elevator" shall mean all the machinery construction apparatus and equipment used in raising and lowering a car cage or platform vertically between permanent rails or guides and shall include all elevators dumb-waiters escalators gravity elevators hoists and other lifting or lowering apparatus

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public access except private dwellings

"Freight elevator" shall mean an elevator constructed and used for the carrying of materials

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect elevators and lifting apparatus in this Commonwealth

"Passenger elevator" shall mean an elevator constructed and used for carrying persons.

"Man lift" shall mean that type of elevator which operates by an endless vertical belt which revolves over fixed pulleys at the top and bottom limits of travel and to which steps and hand holds are attached so that persons may ride thereon

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

Wherever the singular is used in this act it shall include the plural and wherever the masculine gender is used it shall include the feminine and neuter

Section 2 Section two of the said act as reenacted and amended by the act approved the eighth day of April one thousand nine hundred and thirty-seven (P. L. 277) is hereby further amended to read as follows

Section 2 General Requirement Every elevator as described in section one of this act shall be so constructed equipped maintained and operated with respect to the supporting members elevator car shaftway guides cables doors and gates safety stops and mechanisms locking mechanisms electrical apparatus and wiring mechanical apparatus counterweights and all other appurtenances as to safely sustain the load which the said elevator is designed and intended to carry

No "man lift" shall be considered dangerous or hazardous per se nor shall a certificate of operation for any "man lift" be refused or suspended unless such elevator is found to have been incorrectly installed to be mechanically defective or to be operating under some unnecessary hazard

Section 3 Sections three eight and nine of said act as reenacted by the act approved the eighth day of April one thousand nine hundred and thirty-seven (P. L. 277) are hereby amended to read as follows

Section 3 Rules and Regulations To carry out the provisions and the intent and purpose of this act the department shall have power and its duty shall be to make alter amend or repeal rules and regulations for the construction installation maintenance operation and inspection of elevators used or destined for use in this Commonwealth and shall make specifications for the construction and equipment of such elevators No elevator shall be permitted to be installed and used in this Commonwealth which does not comply with the rules and regulations herein provided for

No rules and regulations may be adopted prohibiting the use of "man lift" elevators except for the reasons hereinbefore prescribed

Section 8 Issuance of Certificates Every inspector shall forward to the department a full report of each and every inspection made of any elevator showing the exact condition of the said elevator If this report indicates that the said elevator is in a safe condition to be operated the department shall issue a certificate of operation for a capacity not to exceed that named in the said report of inspection which certificate shall be valid for thirteen months after the date of inspection No elevator may be lawfully operated without having such a certificate conspicuously posted in the elevator car cage or platform or adjacent to one of the entrances to such elevator

Section 9 Discontinuance of Operation If any elevator be found which in the judgment of an inspector in em-

ploy of the department is dangerous to life and property or is being operated without the operating certificate required by this act such inspector may require the owner or user of such elevator to discontinue its operation within twenty-four hours and such inspector shall immediately report all facts in connection with such elevator to the department and he shall place a notice in the elevator car to this effect In the event a certificate has been issued for such elevator the said certificate shall be suspended and not renewed until such elevator shall have been placed in a safe condition In such case where an elevator has been placed out of service the owner or user of such elevator shall not again operate the same until repairs have been made and permission given by the said inspector to resume operation of the said elevator

No "man lift" elevator shall be considered dangerous to life and property except for the reasons hereinbefore prescribed

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1169, on third reading, entitled:

An Act to further amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of public assistance to unemployed persons; substituting the Department of Welfare for the Department of Public Assistance, abolishing the Department of Public Assistance and the State Board of Public Assistance and imposing certain duties in respect

to employable persons on the Department of Labor and Industry.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1172, as follows:

An Act making an appropriation to the Department of Health for the purpose of equipping and operating a sanatorium for the treatment of cancer and for cancer research

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five hundred thousand dollars or so much thereof as may be necessary is hereby specifically appropriated to the Department of Health for the purpose of equipping the buildings erected in Butler County under the provisions of the act approved the first day of July one thousand nine hundred thirty-seven (P. L. 2685) as a sanatorium for the treatment of persons afflicted with cancer and for cancer research work for the payment of salaries wages or other compensation of superintendents nurses and other employes for the payment of general expenses supplies printing and equipment for repairs alterations and improvements to plant and equipment for the purchase of equipment furniture and furnishings for incidental expenses and all other expenses of maintenance and operation necessary for the proper conduct of the work of the said sanatorium for the two years beginning June first one thousand nine hundred forty-one

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 313, entitled:

An Act to amend section two of and to add section four to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependant wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," prescribing the compensation of officers and professional employes of school districts and saving their rights under the Public School Employes Retirement System, and to salary increments.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. RUTH. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 1, by striking out the word "two" and inserting in lieu thereof the word "one;" Amend Section 1, page 3, by inserting between lines 10 and 11 the following: Section 1. Be it enacted, etc., That whenever any appointive officer or employe regularly employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district within the Commonwealth shall in time of war or contemplated war be commissioned enlist enroll or be drafted in the military or naval service of the United States or any branch or unit thereof he shall not be deemed or held to have thereby resigned from or abandoned his said office or employment nor shall he be removable therefrom during the period of his service but the duties of his said office or employment shall if there is no other person authorized by law to perform the powers and duties of such officer or employe during said period be performed by a substitute who shall be appointed by the same authority who appointed such officer or employe if such authority shall deem the employment or such substitute necessary. Such substitute shall receive [so much of the salary or wages attached to said office or employment as shall not be paid to the dependent or dependents of said officer or employe as hereinafter provided and such substitute may receive such further compensation from appropriations made for that purpose or otherwise as may be required when added to the amount received under the provisions of this act to constitute] a reasonable compensation for his services [in the opinion of the authority appointing him.] Amend Bill, Page 3, by inserting after section 1, between lines 10 and 11, the following, Section 2, Section two of said Act is hereby amended to read as

follows; Amend Section 1, page 3, line 12, by striking out the word "so" and inserting in lieu thereof the following; "commissioned;" Amend Section 1, page 3, line 13 by striking out the words "or dependents" and inserting in lieu thereof the following, "wife child or children or parent or parents;" Amend Section 1, page 3, line 14 by striking out the words "as aforesaid;" Amend Section 1, page 3, line 18 by inserting after the word "his" the word, "commission;" Amend Section 1, page 3, line 23 by inserting after the word "his" the word, "dependent;" Amend Section 1, page 3, line 23 by inserting after the word "wife" the word, "dependent;" Amend Section 1, page 4, line 1 by inserting after the word "a" the word, "dependent;" Amend Section 1, page 4, line 2, by inserting after the word "his" the word "dependent;" Amend Section 1, page 4, line 2 by inserting after the word "have" the word, "dependent;" Amend Section 1, page 4, line 2 by inserting after the word "no" the word, "dependent;" Amend Section 1, page 4, line 4 by inserting after the word "his" the word "dependent;" Amend Section 1, page 4, line 8 by inserting after the word "his" the word, "dependent;" Amend Section 1, page 4, line 9 by inserting after the word "no" the word, "dependent;" Amend Section 1, page 4, by striking out all of lines 20 to 26 inclusive and inserting in lieu thereof, "No school district shall be required to pay under the provisions of this act to the dependent or dependents of any officer employe or professional employe more than the difference between the salary paid to any substitute temporarily engaged to perform the school duties of the officer employe or professional employe while in military or naval service and the regular salary said officer employe or professional employe would have received from the school district if he or she had been actually performing his or her school duties

Neither the Commonwealth nor any of its political subdivisions shall pay to the dependent or dependents of any appointive officer or employe more than the difference between the military or naval pay including commutation and allowances of said appointive officer or employe and the regular salary that said appointive officer or employe would have received if he were actually performing the duties of his regular position under the Commonwealth or one of its political sub-divisions

No allowances shall be paid under the provisions of this Act to the dependent or dependents of any appointive officer or employe if his military or naval pay including commutation and allowances exceeds the regular salary that said appointive officer or employe would have received if he were actually performing the duties of his regular position under the Commonwealth or one of its political subdivisions."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read,

On the question,

Will the Senate agree to the section?

Mr. RUTH. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 4, lines 27 by striking out the figure "2" and inserting in lieu thereof, "3;" Amend Section 2, page 5, line 1, by inserting after the word "any" where it first appears in the line the word, "officer;" Amend Section 2, page 5, line 3, by inserting after the word "war" the following "be commissioned or;" Amend Section 2, page 5, line 10, by striking out after the word "time" the words "of such enlistment enrollment or draft" and inserting in lieu thereof, "he or she entered the military or naval service of the United States;" Amend Section 2, page 5, line 15 by inserting after the word "such" where it appears first in the line, the word, "officer;" Amend Section 2, page 5, line 15 by striking out after the word "time" the words "of such" and inserting in lieu thereof, "he or she entered the military or naval service of the United States;" Amend Section 2, page 5, line 16, by striking out the words "enlistment enrollment or draft;" Amend Section 2, page 5, line 19 by inserting after "officer employe or;" Amend Section 2, page 5, line 20 the word "any" where it first appears in the said line, by inserting after the word "war" where it appears for the second time in the said line the following, "be commissioned or."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section was read.

On the question,

Will the Senate agree to the section?

Mr. RUTH. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 3, page 6, line 6 by striking out the figure 3 and inserting in lieu thereof, "4."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. RUTH. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Title, page 2, by striking out the words "compensation of" in line 10, and inserting in lieu thereof the following, "allowances to dependents of;" Amend Title, page 2, by inserting after the word "officers" in line 11 the word "employees."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent

that Senate Bill No. 700, (House Bill No. 99), on second reading, entitled:

An Act to amend sections one and two of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities," by exempting certain clubs from such limitation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 790, (House Bill No. 90), on second reading, entitled:

An Act providing for the correction of the designation and titles of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as United Spanish War Veterans Incorporated.

go over in its order.

The PRESIDENT. Is there objection- The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 957, (House Bill No. 529), on second reading, entitled:

An Act to further amend clause ten of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining "new member."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 957, (House Bill No. 529), on second reading, entitled:

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred thirty-three (P. L. 103) entitled, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by further providing that the tax collector shall give out but one bond for the collection of township county and institution district taxes and changing the conditions of such bond.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1030, (House Bill No. 931), on second reading, entitled:

An Act to further amend section six of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2603) entitled "An act relating to vocational education creating vocational school districts for the pur-

pose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases" fixing the rate of the annual tax levy on real estate and authorizing the computation and entry for collection purposes in tax duplicates of the county or school districts of the taxes due to vocational school districts and the separate accounting and return thereof and making further provision with reference to the bond of tax collectors.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1027, entitled:

An Act to amend section four hundred and twenty A of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P L 682), entitled "An act relating to insurance; amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by authorizing minors of the age of eighteen years and upwards to contract for policies of life insurance and annuities, and giving them full rights, powers and privileges with regard thereto whether heretofore or hereafter applied for or issued to them with the same force and effect as if they were of age.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer amendment.

The Clerk read the amendment as follows:

Amend Sec. 1, page 2, line 22, by striking out the word "of" and inserting in lieu thereof "of";

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1071, (House Bill No. 1380), on second reading, entitled:

An Act to further amend the Act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public

school employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1111, (House Bill No. 1559), on second reading, entitled:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including certain officers and soldiers of the United States Army, Pennsylvania National Guard and Pennsylvania Reserve Defense Corps, within the definition of "peace officer."

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bill to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1131, entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims, taxes, and penalties, interests and costs, such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1142, (House Bill No. 723), on second reading, entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1153, (House Bill No. 1513), on second reading, entitled:

An Act to further amend section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled as amended "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" by exempting assets held by liquidating trustees.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1162, (House Bill No. 1660), on second reading, entitled:

An Act to amend section seven hundred and thirty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and

all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by authorizing the furnishing of certain confidential information to other states and the United States.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1173, entitled:

An Act authorizing the Department of Property and Supplies to purchase coal underlying the Cresson State Sanatorium and making an appropriation therefor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1188, entitled:

An Act making an appropriation for the purpose of reconstruction, preservation and maintenance of public roads, and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1189, entitled:

A Joint Resolution proposing an amendment to section four article two of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1030, (HOUSE BILL No. 931), ON SECOND READING CALLED UP

Mr. COLEMAN. Mr. President, I now call up Senate Bill No. 1030, (House Bill No. 931), on second reading, page 27 of the Calendar which just went over in its order.

Mr. COX. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1030, (House Bill No. 931), entitled:

An Act to further amend section six of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2603) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases" fixing the rate of the annual tax levy on real estate and authorizing the computation and entry for collection purposes in tax duplicates of the county or school districts of the taxes due to vocational school districts and the separate accounting and return thereof and making further provision with reference to the bond of tax collectors.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. COLEMAN. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend section 1 (section 6) page 3, line 3, by inserting light-face brackets before and after the word "school" and inserting thereafter the word: "county;" amend section 1 (section 6) page 3, lines 4 and 5, by inserting light-face brackets before the word "in" in line 4, and after the word "districts" in line 5; amend section 1 (section 6), page 3, line 5, by inserting light-face brackets before and after the word "school" and inserting thereafter the word: "county;" amend section 1 (section 6) page 4, line 21, by striking out the word: "either;" amend section 1 (section 6) page 4, lines 21, 22 and 23, by striking out the words: "or with the various school districts or tax collectors of the municipal subdivisions involved;" amend section 1 (section 6) page 4, line 25, by striking out the word: "either;" amend section 1 (section 6) page 4, line 26, by striking out the words: "or school."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. COLEMAN. Mr. President, I desire to offer an amendment

The Clerk read the amendment as follows: amend the title, page 1, line 2, of the title by striking out the words; "or school districts"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 772, CALLED UP ON SECOND READING POSTPONED

Mr. FARRELL. Mr. President, I now call up Senate Bill No. 772, (House Bill No. 1253), on second reading, postponed, page 32 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 772, (House Bill No. 1253), entitled:

An Act to add subdivision (e) to articles two and to amend section eight hundred five of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more by referendum and prescribing the procedure therefor.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. FARRELL. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows: amend Section 1, page 1, line 3, by inserting after the word "class" the following: "acquired and used or to be used as an airport, seaplane base and rail and marine terminal not exceeding six hundred acres in area;" amend Section 1, page 1, line 5, by inserting after the word "forth" at the end of the line, the following: "Provided, however, That no such annexation shall be made under the provisions of this act after the expiration of two years from the effective date of this act."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second to the ninth sections inclusive were read and agreed to.

The tenth section was read.

On the question,

Will the Senate agree to the section?

Mr. FARRELL. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: amend Section 10, page 7, lines 12 to 19 both inclusive, by striking out all of said lines.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eleventh section was read.

On the question,

Will the Senate agree to the section?

Mr. FARRELL. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: amend Section 11, page 7, line 20, by striking out the numeral "11" and inserting in lieu thereof the following: "10."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. FARRELL. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: amend title page 1, by inserting in line 3, after the word "class" the following: "acquired and used or to be used as an airport, seaplane base and rail and marine terminal."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 416, (House Bill No. 551), entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts Page 60) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interests on the public debt and the support of the Public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine" providing for a deficiency in the appropriation to the Department of Property and Supplies for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one providing for payment out of revenues of the fiscal biennium period beginning June first one thousand nine hundred forty-one and preventing lapsing.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 921, (House Bill No. 892), entitled:

An Act authorizing a commission to study recreational facilities available in first class cities imposing powers and duties on said commission.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1140, (House Bill No. 611), entitled:

An Act providing for the acquisition by the Department of Forests and Waters in the name of Commonwealth of certain lands in Luzerne Sullivan and Wyoming Counties for use as a State Park making an appropriation for said acquisition providing for the management of said property by said department and defining the uses to which the property shall be put.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 8:30 o'clock, p. m. E. S. T.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 573, entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make reports from committees at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations reported as committed, Senate Bill No. 1209, (House Bill No. 1722), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor.

He also from the Committee on Appropriations reported as committed, Senate Bill No. 1215, entitled:

A Supplement to the act, approved the—day of June, one thousand nine hundred forty-one (Appropriation Acts, age—), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one."

MOION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1209, (House Bill No. 1722), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1215, entitled:

A Supplement to the act, approved the—day of June, one thousand nine hundred forty one (Appropriation Acts, age—), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise on a question of personal privilege.

THE PRESIDENT. The gentleman from Warren will proceed.

WHATS WRONG WITH THE UNITED STATES

Mr. CHAPMAN. Last Saturday was Flag Day and from a million poles over the Nation, Old Glory flew free and fluttered in the breeze. And yet, I wonder how many knew that it was an emigrant boy who dreamed of a day to venerate the flag and finally as the twilight of life was dawning, saw his dream realized. We, born under the Stars and Stripes do not feel pulsing through our veins, the blood of veneration of the flag that the foreign born Amer-

ican feels. We are prone to believe the flag was always there, a symbol of life to which we were born.

Do you feel a surging of your blood, a tingle in your heart and a feeling of pride when the flag passes by? Do you feel that the flag symbolizes all of the freedom to which you are born or did you ever stop to think of it that way. Have you ever wondered what would happen if Old Glory ceased to fly free and untrammelled in the breezes? Can you visualize what would happen if the Stars and Stripes went down in defeat and was trampled underfoot by a conquering foe? Would you be willing to give all you have for that flag—money, home and life?

I pray you stop in the State Museum one of these days and study the group there depicting the Birth of the Flag. What must have stirred in the hearts of those in that group. A Nation composed of a handful of brave hearts and stout bodies defying one of the great Kings of the world and "declaring itself free." With thoughtful mind, recall the direction given in making the flag, how it depicts the strength of the tiny Nation and then trace the adding of the stars as we grew into the Democratic stature of today. The greatest Democratic Nation in the world.

In all men's hearts there is a love of liberty, but in some Nations it has been stifled and the people so regimented that their thoughts have become dulled by propoganda and crushed by ruthless men. And yet, I say that in those hearts there beats a love of liberty. Look back, if you will, at the groups of Germans who fled Europe and came to the new world. The group in St. Louis for instance that drilled in the Turner Halls and secretly armed, and by their prompt action saved the St. Louis arsenal when southern sympathizers would have seized it and its supplies. There was liberty in those hearts.

And since the World War No. 1 in Europe, nations arose with liberty as the goal. Czecho Slovakia which became known as "The Yankees of Europe" when it exercised its liberties. The Dutch with an inherent love for equality; the Belgians with their freedom of press and speech, was a fine Nation, and the Norwegians, Swedes and Finns, all sturdy, liberty loving men. And I take it that their love of liberty and freedom is still alive, still vibrant and seeking to arise above the welter of woe, the torrents of blood and seething mass of spies that beset them on every hand. We read of explosions within those countries, of trains being wrecked of the disappearance of German officers, etc., and one can read between the lines that the struggle for liberty is still being carried on.

Germany, Italy and Russia with Japan today rank as the blackest spots on the whole earth. Their flags fly but of what are they symbolical? Do the flags cry out as they sway in the gusts of wind "Come to me and I will give you succor;" "Here under my folds there is peace, freedom of speech, freedom of worship and freedom of the press?" Nay, a thousand times nay. They simply bespeak the arrogant flaunting in the face of the people and the world the autocratic, ruthless, demoniacal demand "For a New Order." One in which the will of every man, woman and child must be bent to a ruthless dictator. One in which life and property are ruled by the state with a hand of steel. Morality is gone; the woman of the land mere breeding stock for cannon fodder and the home but a myth. Cosy firesides and the evening rocking chair for the grandfather, the prattle of little ones and father and mother love is but a legend.

And yet, in our land, aye in this capitol, there are men who prate knowingly that "Hitler is right in destroying the insane, the crippled and the blind who are only burdens on the state." They applaud the efforts of Hitler to breed a superior race. And allow me to ask, of what are such men thinking? Their words only give comfort to the dictators and aid in spreading the subtle thought that is permeating our country. They are the type of which the poet said "A little learning is a dangerous thing."

Today as never before our Nation is being assailed by a barrage of clever propaganda designed to lead the ill informed astray and from my conversation with many men I find that some of the teachings of the subversive groups have lodged. Good men who are native born; who have made their all under the Stars and Stripes are being misled and by their remarks cause others to feel that perhaps there is something good after all under dictatorships.

To every true lover of the Land of the Free it is appalling to feel that there are men so blind as to feel that in Hitler and his cohorts there can remain one iota of decency, truth or humanity. They possess none of these traits. But I feel that in our Nation today there are many men who would sell themselves to the enemies of our country and perform acts that halt and hinder our efforts to arm, and to give aid to the Nations that are fighting the group that would destroy Democracy throughout the world.

Revert in mind again to the days of '76 when men furnished with their own rifles, when women by the light of pine knots dyed and sewed the uniforms of their men folk and sent them forth to fight and after kissing husbands and sons farewell, turned to the plow. There was a love of freedom then that would put to shame the half hearted example we are giving today.

Our sons by the thousands are pouring into camps to learn the rudiments of war and of how to die for their land. God Bless Them. On shipboard, other thousands are learning how to carry on the work of Paul Jones, Decatur, Sampson and Dewey, whose feats with ships and roaring guns have written blazing words across the pages of history.

And we at home, what are we doing. Our papers are filled with stories of strikes and of contests to get more dollars for the work of turning out planes, guns and machines, food and clothing for the fresh faced youths who at \$21. per month will be in the front lines. What a spectacle it is to find our army having to "capture factories" that men who want to work can do so! Our President by ordering the army into the California airplane plant served notice on the hybride agitators that our program will not be halted and that we are going on to victory.

In a speech earlier this year I said that: "concentration camps" should yawn for the labor leaders who in their struggle for power halt the march of our army and the sailing of our navy. I have not changed my mind and I still feel that too long have we coddled the trouble monger who is undoubtedly paid by funds from abroad for stopping the onward march of our industry. Nearly five millions of man days have been lost in strikes. Suppose they had been utilized, what would they have produced.

In my minds eye, I can see Hitler and his maddened crew gloating as he hears of factories closed and production slowed by the "fifth columnists" at work here.

I read recently in a newspaper that the French are ig-

noring the German conquerers in France. That they pass the Germans with a look ahead that places the invaders out of their vision. And then and there it occurred to me that the men and women of the United States could inflict that treatment on the persons who are talking and working in the ranks of the Wheelers, Nyes and Lindberghs. Give them the stony glare, the icy gaze and the isolation treatment. They want to be isolationists so make them such. Make them a group apart and as did the people back in the days when Old Glory was born make them feel they are not of the race that loves freedom and liberty.

It is time for us to be united and we must be a Nation with a singleness of purpose oneness of aim and remember the words of the old admonition "United we stand, divided we fall."

Pray God we may not fall.

PERMISSION TO ADDRESS SENATE

Mr. HALUSKA. Mr. President, I ask permission to address the Senate.

THE PRESIDENT. The gentleman from Cambria will proceed.

Mr. HALUSKA. Mr. President, last Tuesday afternoon the gentleman from Allegheny, Mr. Geltz, moved that Senate Bill No. 522 be placed on the postponed Calendar, for further study I was informed. I threatened at that time that I would call that bill up every fifteen minutes until such time as the bill might be called up and might pass or be sent back to committee. I did not go through with my threat because of the extreme courtesy shown to me by many of my colleagues on both sides of this Senate but I wish now to serve notice—this is no warning and no threat; only a friendly notice—it is my intention tomorrow to call from the postponed Calendar Senate Bill No. 522 and I shall ask my colleagues to either defeat or pass it.

I am giving this notice to my colleague from Allegheny County or to anyone else who may be interested, so that they may take tonight and study Senate Bill No. 522 and be fairly acquainted with its contents, and if tomorrow they wish to interrogate me upon its contents I shall be too happy to stand here and answer any questions which may be asked of me.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, June 17, 1941 at 1:30 o'clock, p. m. Eastern Standard Time.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 9:07 o'clock, p. m., Eastern Standard Time until Tuesday, June 17, 1941 at 1:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, June 16, 1941

The House met at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The SPEAKER. Prayer will be offered at the consent of the Chaplain by the Reverend T. Stacy Capers, of the

First Presbyterian Church of Hollidaysburg, Pennsylvania, as the guest of the Honorable George E. Jones of Blair County.

Reverend T. Stacy Capers offered the following prayer:

Our gracious and loving Heavenly Father, we would invoke Thy kind blessing upon us as we meet together to transact the business of this our House of our grand and glorious democratic republic. God bless this great Commonwealth which we love so dearly; God bless these Thy servants who gather here tonight to transact the business of civic righteousness. We thank Thee whenever we transact the business of civic righteousness. We always represent or misrepresent Thee, Our God, and so we pray Thee tonight, to give us wisdom from above, give to these our Representatives, Thy servants, not only to know what to do, but to do Thy will when they know it.

We pray Thee tonight to help us to come with prayer in our hearts because we all do desire to do the best we can.

May we then look to Thee, O God, to help us to realize we are transacting the King's business, that this is our Father's work, and in this day when there comes a tremendous challenge to Thy great kingdom and enterprise, may we not betray the proud trust, but may we stand loyal and true for the privilege of representing Thee in the courts of free governments in the world.

Now, Our heavenly Father, we pray Thee that Thy holy spirit brood over us. May we feel that it is good to do Thy will. God bless us, God bless our whole country, God bless the Governor of this great Commonwealth and the President of the United States of America. We pray Thee tonight to bless the world, the disillusioned war torn world. May they make peace with Thee so that the time may come when they may make peace one with another.

Now, help us to do our part where we are, that we may help establish Thy kingdom on earth as it is in Heaven. May we have in mind but one end in view, the advancement of Thy kingdom and to glorify Thy name. Praise be to the Father, Son, and Holy Spirit. In the name of Him who died for us that we might live for Him, not only hereafter but here and now, we ask it all. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, June 12, 1941.

The Clerk proceeded to read the Journal of Thursday, June 12, 1941, when, on motion of Mr. WRIGHT, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. LESKO.

HOUSE BILL No. 1857.

An Act making an appropriation to the Department of Revenue for the payment of claims against the Commonwealth arising from damage by fire caused by defective wires used for operating airplane beacons.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented

for concurrence bills numbered and entitled as follows:

SENATE BILL No. 263. (HOUSE BILL No. 1858).

An Act to establish a system uniform throughout the Commonwealth for the compensation of witnesses regulating the amount payment and taxation as costs thereof and repealing inconsistent legislation.

Referred to the Committee on Judiciary General.

SENATE BILL No. 344. (HOUSE BILL No. 1859).

An Act to amend further section five of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads, highways and bridges" as amended by permitting the maximum width of a public road to be two hundred feet when the right of way is acquired by the Federal Government and providing for the cost of relocating public service lines.

Referred to the Committee on Highways.

SENATE BILL No. 575. (HOUSE BILL No. 1860).

An Act to further amend sections 1, 2 and 7 of the act approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled as amended, "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for revocation and suspension of licenses by said bureau; and providing penalties for violations thereof, and repealing all acts or parts of acts inconsistent therewith," by defining certain terms; imposing certain additional duties upon the State Board of Medical Education and Licensure; making provision for graduate students from other states territories and Canada, and providing for automatic suspension of registration in case of mental incompetency.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 711. (HOUSE BILL No. 1861).

An Act to amend section four hundred fifteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests creating and defining membership of county boards of elections, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners, imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections," by further regulating the appointment of overseers of election.

Referred to the Committee on Elections.

SENATE BILL No. 870. (HOUSE BILL No. 1862).

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred thirty-one (P. L. 566) entitled "An act providing for the purchase of reinsurance for the benefit of holders of outstanding policies, issued by any company authorized to insure title, of which possession may be taken by the Secretary of Banking; and providing further for the use for that purpose of reserve funds accumulated by such companies to protect such policyholders; providing also for the form of such reinsurance and defining the extent of the liability thereunder, and also for suits at law to recover thereon."

by clarifying the requirements as to amount of reserve to be held by companies selling such reinsurance.

Referred to the Committee on Insurance.

SENATE BILL No. 881. (HOUSE BILL No. 1863).

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," authorizing the making of contracts for hospitalization; and extending the provisions of the act to vocational school districts and institution districts.

Referred to the Committee on Insurance.

SENATE BILL No. 889. (HOUSE BILL No. 1864).

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 912. (HOUSE BILL No. 1865).

An Act to further reenact and amend the title and act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 86), entitled, as amended, "An act relating to the grading and sale of grapes and potatoes in this Commonwealth; providing penalties for violations; and imposing certain duties upon the Department of Agriculture," extending the provisions of said act to apples.

Referred to the Committee on Agriculture.

SENATE BILL No. 905. (HOUSE BILL No. 1866).

An Act to further amend clause (a) of section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground rents, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decrees will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or in-

dividuals, and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispense thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," extending the provisions of said act to cases where real estate is held by entireties, and the one spouse has been declared weakminded or mentally incompetent.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1020. (HOUSE BILL No. 1867).

An Act to amend section four of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 787), entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale, for the nonpayment of taxes; and the reconveyance or private sale of such property," by further regulating the terms of such compromise or private sale and the distribution of the proceeds thereof.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 1055. (HOUSE BILL No. 1868).

An Act to amend sections five, six, twenty-seven, thirty-one, thirty-two and thirty-nine of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission.

Referred to the Committee on Elections.

SENATE BILL No. 1088. (HOUSE BILL No. 1869).

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class

as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers department and bureaus police courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Referred to the Committee on Elections.

SENATE BILL No. 1089. (HOUSE BILL No. 1870).

An Act to amend the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

Referred to the Committee on Elections.

SENATE BILL No. 1090. (HOUSE BILL No. 1871).

An Act to amend the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commission commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus of police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Referred to the Committee on Elections.

SENATE BILL No. 1091. (HOUSE BILL No. 1872).

An Act to amend the act approved the thirtieth day

of March one thousand nine hundred thirty-seven (P. L. one hundred fifteen) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Referred to the Committee on Elections.

SENATE BILL No. 1092. (HOUSE BILL No. 1873).

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Referred to the Committee on Elections.

SENATE BILL No. 1093. (HOUSE BILL No. 1874).

An Act to amend the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the procedure for and regulating elections by persons in actual military service imposing duties upon the Secretary of the Commonwealth courts county boards of elections and county commissioners providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

Referred to the Committee on Elections.

SENATE BILL No. 1103. (HOUSE BILL No. 1875).

An Act to further amend section two hundred twenty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act

relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing for the issuing of free resident fishing licenses to persons over sixty-five years of age.

Referred to the Committee on Fisheries.

SENATE BILL No. 1104. (HOUSE BILL No. 1876).

An Act to amend section three hundred two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by providing for the issuing of free hunters' licenses to persons over sixty-five years of age.

Referred to the Committee on Game.

BILL INTRODUCED AND REFERRED

By Mr. SARRAF. HOUSE BILL No. 1877.

A Supplement to Act No. , approved the day of June, one thousand nine hundred and forty-one (One thousand Nine Hundred Forty-One Appropriation Acts, page), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one."

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. HEATHERINGTON. RESOLUTION No. 102.

In the House of Representatives, June 12, 1941.

Whereas, On March 28, 1940, Rachel Taylor, a young woman student at the Pennsylvania State College, was attacked and murdered in the vicinity of State College; and

Whereas, In spite of more than a year's continuous investigation by the Pennsylvania Motor Police and by local authorities, the perpetrator or perpetrators of this brutal crime have not yet been apprehended; and

Whereas, Within the past year a dozen or more women, in or about the borough of State College, have been attacked by an unknown assailant or assailants, possibly the same who committed the murder of Rachel Taylor; and

Whereas, An attack upon a woman, in State College, was made as recently as two days ago; and

Whereas, The immediate apprehension of the person or persons responsible for these crimes is absolutely essential for the protection and safety of women residing in State College and vicinity; and

Whereas, The failure to apprehend the person or persons guilty of these attacks may well render many parents unwilling to have their daughters attend the Pennsylvania State College, at State College; and

Whereas, It would seem that the perpetration of as many as a dozen different attacks upon women, in a comparatively small community within a short period of time, should afford a sufficient clue as to the identity of the person or persons involved, so that the Pennsylvania Motor Police could solve one or all of these crimes; and

Whereas, Colonel Lynn G. Adams, Commissioner of the Pennsylvania Motor Police, has journeyed to State College on various occasions and has assumed personal supervision of the investigation into these crimes; and

Whereas, The complete failure of the officials, under his supervision, to solve even one of this series of attacks, together with the fact that the Senate of this General

Assembly has refused to confirm his appointment as Commissioner, would seem to indicate that the initiative, ability and persistence of Colonel Adams as a police officer and particularly in connection with the investigation of these assaults, should be carefully investigated; therefore be it

Resolved, That the Speaker of the House appoint a committee of five members of the House, whose duty it shall be to examine into the manner in which Colonel Lynn G. Adams has conducted the investigation of the numerous attacks upon women in the vicinity of State College during the past fifteen months, for the purpose of determining whether the failure of such investigation to produce any definite results in even a single case is due in any degree to inadequate, indifferent or careless supervision. It shall be the duty of the aforesaid committee to conduct its investigation immediately and to make its report to the House of Representatives before the adjournment of this session, together with its recommendations as to any further steps which might be taken to end this outbreak of criminal assaults in the vicinity of State College.

Referred to the Committee on Rules.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1270.

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, June 13, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1270, Printer's No. 413, entitled, "An Act to further amend sections one two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled 'An Act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties' limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis."

ARTHUR H. JAMES.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. BURRIS for himself for tomorrow's session.

Mr. Stine for Mr. BENTZEL for the week.

Mr. KRISE for himself for the remainder of the week after tonight.

Mr. George E. Jones for Mr. FISHER for the week.

Mr. Stambaugh for Mr. WAGNER for the week.

Mr. ALLMOND for himself for the remainder of the week after tomorrow's session.

The Speaker for Mr. WILKINSON for the week on account of illness.

REPORT FROM COMMITTEE

Mr. BENTZEL from the Committee on Highways reported as committed House Bill No. 1217, entitled:

An Act regulating and establishing prevailing wage rates to be used by contractors employed by the Department of Highways in the construction of highways and street paving; and imposing certain duties on the Department of Highways.

PERMISSION TO ADDRESS HOUSE

Mr. PRESLEY N. JONES asked and obtained unanimous consent to address the House.

Mr. Speaker, on April 16th of this year, I introduced House Bill No. 1281, which relates to Venue of Civil Actions against insurance companies or commonly called "Service of Process." This bill was referred to the Insurance Committee whose able chairman is Mr. John J. Baker. Due to the introduction of this bill, an association, which I hold in very high regard, has now taken cognizance of the evil as it exists and I am deeply flattered by the fact that the Special Advisory Committee of the Pennsylvania Bar Association under the direction of the very capable Mr. John H. Fertig, Esq. will very shortly comprehend this subject within the rules of procedure to be promulgated by the Supreme Court in the field of rules called Corporations or similar entities as parties. Naturally, these new rules, will, by an Act of Assembly of 1937, supersede the Venue Sections I desired to amend. Therefore, since the correction will soon be made due to the introduction of this bill, I respectfully suggest that H. R. 1281 be not reported out.

PERMISSION TO ADDRESS HOUSE

Mr. WOODRING asked and obtained unanimous consent to address the House.

Mr. Speaker, on March 13 of this year the Legislature of our sister State of North Carolina enacted by an overwhelming vote a concurrent resolution memorializing the President and the Congress of the United States to take steps toward the establishment of a Federal Union of the democratic nations of the civilized world, to the end that human freedom, peace, and prosperity might be perpetuated in a world where the advances in science have made the elimination of war a matter of impelling necessity. In so doing the North Carolina Legislature has earned the distinction of being the first legislative body in the world formally to endorse a movement for International Government which is steadily gaining favor among the American people and among other free peoples.

It is fitting and proper that we in Pennsylvania should take our place in the leadership of this cause, at once so idealistic and so practical, and so decidedly American in its basic philosophy. It was on the sacred soil of Pennsylvania that the greatest Federal Union of free men in all human history was formed. It was here that a plan of government was given birth which has brought peace and progress to an entire continent and has brought forth fruits of civilized living far exceeding the fondest dreams of the Constitutional Fathers.

To urge the extension of our Federal principles to embrace our sister democracies of the Western world is to be in accord with the soundest concepts of reasoning. And in the Federalist Papers themselves may be found the suggestion that so perfect is our Federal plan of union among free states and free men that its principles very well might be extended upon a worldwide basis.

I have the honor to report that it was in the County of Northampton, and in the District which I represent, that the movement for International Federal Union, in its modern form, which is growing so rapidly, was first proclaimed six years ago. In 1935 Mr. John Francis Gold-

smith, a member of the bar, and a year earlier the candidate of his party for a seat in this very House, published a book entitled "President Randolph, As I Knew Him". The work was a narrative essay setting forth in accurate detail a plan of International Federal Union, modelled upon the American Constitution, for the preservation of the peace and security and democratic way of life of our Western civilization. Today that movement is becoming the hope of Mankind.

This book is of particular interest to us. President Randolph, the leading character of the story, was a native of Stroudsburg in my neighboring County of Monroe. He began his political career with membership in this very House, proceeding then to the Senate of Pennsylvania, then becoming Governor of this State, and finally President of the United States. In his high office as Chief Magistrate of the Nation he played his important role in bringing into being, in the year 1957, a Federal Union of the democracies.

In many other respects the book is of interest. It has an amazing prophetic quality in predicting an American armament program and an American air fleet in the proportions which we witness today, as well as a collaboration between the President of the United States and the Prime Minister of Great Britain as close and as significant as that which is now taking place. The book was widely and highly proclaimed by the press of three nations at the time of its appearance.

I have the further honor to report that its author has kindly collaborated with me in the preparation of a resolution which I have introduced to which I invite the especial attention and consideration of all the Members of this House when the Resolution comes before them for passage and adoption.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 573.

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 573.

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Department of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one; and for

the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, last week the Governor in his message to this House made certain statements relative to what he proposed to do to the particular bill which the Speaker has just signed. Without any thought of discussing the bill in its entirety, but only a portion of that bill, I desire to make these remarks.

I call first to the attention of this House the Governor's statement in relation to the appropriation contained in that bill for the taking over of the mental institutions. I do this, Mr. Speaker, for the reason that I have already warned the Budget Secretary that if the Governor follows out his announced purpose, a condition will arise that will cause veritable chaos in the state of Pennsylvania insofar as it relates to the mental hospitals. I have advised the Budget Secretary that the Governor must of necessity go slowly on his announced budget, and if he blunders—if he follows out his thought he will blunder—then upon him and him alone will rest the entire burden and responsibility.

I call the attention now of the Members of this House to that portion of his statement in which he states:

"No provision having been made by the Legislature to raise moneys to cover the twelve million dollars additional cost which would be saddled upon the state by the taking over of these institutions"—and he refers to the mental institutions—"and no final decision having been made by the Legislature on my urgent recommendation that the effective date of these laws will be postponed for two years and, further, it appearing that the appropriations included for the purpose are inadequate to carry out this program, I shall therefore reduce the appropriations in this field to the amounts set forth in my budget message of last February."

I point out to the membership of this House first of all that twelve million dollars is not necessary in the particular appropriation. Over half of that figure, Mr. Speaker, is represented by loss of revenues and is not reflected in the appropriation bill. Why the Governor of Pennsylvania would wish to mislead the membership of this House by quoting the figures of twelve million dollars and then subsequently sending it out through the mails to various municipalities of this state is more than I can see.

The Governor knows it is not true, and the membership of this House know it is not true. Then again, why he should say that this Legislature has not acted upon his recommendation of postponement I do not understand. He requested it and we have ignored the request, and that is action final. I am saying to the Governor he has long since known that he is taking over the mental hospitals; that has been the mandate of our party, and no further action is necessary.

Might I say, Mr. Speaker, that that is now an accom-

plished fact, it is the law of this state. Those hospitals now are state property and the Governor recognized them as such in his proclamation. Of course it is true after his proclamation he has tried at various places to indicate that he is not taking them over. Nevertheless, he has so proclaimed in accordance with the law, and those hospitals are a part of the state institutions now.

Then, he speaks of inadequacy. Mr. Speaker, may I state that his recommendation for institutions owned by the state prior to June first was seventeen million dollars. The Appropriations Committee went over this request and cut that amount down to \$16,500,000. And then we considered the need of these particular mental institutions involving the expenditure, as he said, of \$6,900,000. We went into some considerable study in relation to that, and finally came to the conclusion that the amount needed was \$6,100,000, and we added that to the sum of \$16,500,000, and that total sum is the amount that appears in the appropriation bill.

Now, if the Governor of Pennsylvania wishes to cut that amount down to seventeen million dollars, he will find himself in a position that he must not only operate the State's own institutions prior to June first, but also those institutions which under the law he was forced to take over on June first, and I now publicly state, Mr. Speaker, that if the Governor of Pennsylvania cuts the amount mentioned there, then the burden and the censure will be his. He can not, Mr. Speaker, run away from the problem of taking care of our mental cases in Pennsylvania by the mere gesture of running a red pencil through the appropriation bill and saying, "We are not responsible."

I am saying, Mr. Speaker, that the responsibility for the care of our mental cases in Pennsylvania belongs to the State under the laws of this land, and the Governor of Pennsylvania must meet that burden, and he can not meet it facetiously by saying, "I will reduce the appropriation," to a sum which sum later will prove not to be adequate.

Then in passing, Mr. Speaker, may I make a few comments in regard to his letter, a political letter, which was sent throughout Pennsylvania at the expense of the taxpayers of Pennsylvania, a letter in which he tried to explain why the subsidies due school districts were not paid on their due date, payments due in November of 1940 and payments due in February of 1941.

Can you imagine a Governor of this state sending out to officers of the municipalities of this state a letter laying at the doors of the Democrats responsibility for his failure, the Republican failure to make payments due in November of 1940, before this legislature was in session? Yes, before any man in this House was sworn into his office, the Governor of Pennsylvania now says that you men are responsible because he did not pay his bills on that day.

I am pointing it out, Mr. Speaker, only for the purpose of showing the chicanery of this man who sits in our Governor's chair endeavoring to fool, to bamboozle the people of Pennsylvania in an effort to cover up his mismanagement. I am saying to that Governor of Pennsylvania, I am saying to your party that I am now warning the Governor of Pennsylvania not to cut the appropriation to the mental institutions. We are giving you fair warning that the responsibility will be yours if you do.

PERMISSION TO ADDRESS HOUSE

Mr. COOPER asked and obtained unanimous consent to address the House.

Mr. Speaker, on June 1st, 1941, the State took over and assumed the management of the Allegheny County Home at Woodville, and as the result of this action over six hundred men and women employes were transferred to the State payroll. As state employes these six hundred men and women are entitled to become members of the State Retirement System. Until May 31, 1941, these same six hundred men and women had been employes of Allegheny County and as such had contributed to the Allegheny Retirement Fund. Their contributions were matched by Allegheny County, and they established a certain number of years of service to their credit. Realizing that these employes have now, through no act of their own become members of the state payroll and no longer able to retain their status with the Allegheny County Retirement Fund, my colleague Mr. Thompson and I have had a series of conferences with the Secretary of the State Employees' Retirement Fund as well as its Actuary, looking toward a solution or rather a preservation of the rights of these six hundred men and women Allegheny County employes now in the Allegheny County Retirement Fund.

As a result of those conferences a bill has been drawn up and introduced this evening by Mr. Thompson and I to protect the right and benefit of those employes in the Allegheny County Retirement Fund. If this bill or a similar bill is not passed by this Legislature then the rights of those employes as former employes of Allegheny County must be held in abeyance until the next Legislature meets, and realizing that we are drawing closer and closer to adjournment, and time is very essential in this matter, the purpose of these remarks this evening is to plead with the Chairman and the Members of this Committee to which this bill will be referred, to earnestly consider this bill with a view that the same may become a law at this session of the Legislature.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 16, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvenes on Monday, June 23, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvenes on Monday, June 23, 1941, at 8 o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this evening a former member from Adams County, Mr. G. R. Thompson.

REPORT OF COMMITTEE OF CONFERENCE ON
HOUSE BILL No. 616

Mr. D'ORTONA. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 616.

The SPEAKER. The report will lie over for printing under the rules.

PERMISSION TO ADDRESS HOUSE

Mr. FISS asked and obtained unanimous consent to address the House.

Mr. Speaker, many bills have been introduced in this Session relating to subversive un-American activities.

Not one of these measures have been reported out of the Committee of Education.

Does it not seem strange that all of these measures have been kept in committee, and not a single one reported out for vote upon the floor of the House?

When nearly every newspaper in the Commonwealth carries headlines of subversive teaching and unusual un-American activities, does the Committee of Education wish to assume full responsibility, and not report out any one of these bills?

The people of this Commonwealth do not want you to keep bottled up in your committee all these bills, but expect you to report out one or more so that the boards of education may have power by law to expel teachers in our public schools who encourage and teach subversive and un-American teachings.

Laws referred to are badly needed in many school districts of Pennsylvania, but if you do not need these laws in your own immediate district the law can do you no harm, you have no need for it.

If on the other hand the law is needed in one or more districts you are doing untold injury to the schools and scholars.

School children are our greatest assets, but if we do not give them this needed legislation they are bound to become decided liabilities.

Our Forefathers who founded this Commonwealth handed down to us one of the richest legacies man could give. The inheritance of a great public school system with more than 2,000,000 boys and girls.

Shall we permit a single boy or girl to become Nazi, Fascist, or Communist and a liability of the State?

Shall we be worthy keepers of so great a trust?

Is it your desire, Mr. Chairman and members of the Educational Committee to carry so great a responsibility which extends to every home and fireside; even to the least of these two million boys and girls?

Shall we say to the people of this Commonwealth, that you are inexorable, that the responsibility, the resultant effects for good or evil rests upon your shoulders?

Let us place at least one law upon the statute books of Pennsylvania which will defeat the purpose of every anti-American group.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I listened with a great deal of interest to the remarks of the gentleman from Monroe concerning the budget and the action of the Governor and the state-ments in his speech. I want first to call particular atten-

tion to the fact concerning the twelve million dollar shortage to which the Governor referred, and to which the gentleman from Monroe took exception. What the Governor said was that no provision had been made by the Legislature to raise the money, to cover the twelve million dollars additional cost which would be saddled upon the state by the taking over of these institutions.

Now, the gentleman says there is no twelve million dollars additional cost, but approximately half of that is loss of revenue, and approximately half of it is increase of appropriations, but whether it is loss of revenue or whether it is increase of appropriations, there is twelve million dollars of revenue that would have to be provided in order to balance the budget. What the Governor said very clearly was that those twelve million dollars had not been provided, and that is a fact which everybody who is acquainted with the provisions of the budget well knows to be true, and the gentleman from Monroe, Mr. Achterman, well knows that to be true. And what is the result? Why, it just throws the budget another twelve million dollars out of balance, and that is the thing to which the Governor was referring.

I was interested also in the remarks that the gentleman made concerning the failure to meet the payments which are due at this time to a number of institutions, as were outlined particularly in the Governor's speech. I just want very briefly to review the things I have said on the floor of this House before in relation to that. I call your attention first to the fact that early in this session, there was introduced the Tax Anticipation Note bill. No action was taken on it, and a letter which I wrote to the gentleman from Allegheny who is the Chairman of the Ways and Means Committee, I called his attention to the importance of this piece of legislation and what the effect would be if it were not promptly passed. A copy of that letter was sent to the majority floor-leader of this House. Still no action was taken on it. Then quite late the bill was finally passed, and I call attention to the fact that when that bill was passed it contained in it a provision estimating the revenues unofficially at an amount higher than they were officially estimated to be, and that that would interfere with the sale of those tax anticipation notes.

The bill was passed by this House and sent over to the Senate with that defect in it. The Senate corrected it and then it was sent back here. The Senate had possession of that bill for a total of three days and that is all. Then it was sent back and a Conference Committee was appointed. It was suggested at that time that we take the estimate that was the lower of those amounts and insert in the bill the words "at least". That was not yielding to the other side, but it did put the bill in such form that the bankers after consideration of it agreed it would be satisfactory, and the attorneys that would pass upon the tax anticipation note issue agreed would meet the legal requirements and satisfy them as to form. But in spite of that fact the Conference Committee has failed to make a report because the gentlemen on the other side insist that they will not go along with putting in the official estimate, which is the lower of the two and inserting the words "Whereas at least this amount of revenue has been provided".

Now, the people of this Commonwealth can gather from that action only one thing, and that one thing is that there was a deliberate effort being made by the

majority of this House to ruin the financial situation of the Commonwealth of Pennsylvania and to deliberately and willfully violate a pledge made by this House of Representatives as well as the Senate and the Governor to return to the special funds the moneys borrowed from them, during this month of June.

It now becomes too late to keep that solemn pledge made by this House of Representatives, not only during the 1929 Session, but made during the session of 1941, while the House was under the control of the present majority of this House. The people of Pennsylvania ought to know—I know it seems the majority of them do know, but everyone of these people ought to know the truth of that situation, and they ought to know why the money will not be paid to the firemen during the month of June. Why it is not paid today, Mr. Speaker, is because the Democratic party all during this session has hamstrung the Tax Anticipation Note bill and has continued to do so.

They ought to know, Mr. Speaker, that the reason why the Highway Department is being handicapped is because the majority of this House has bottled up and continued to bottle up the Tax Anticipation Note bill. All the counties and municipalities ought to know the truth of that situation.

Now, the gentleman picks out one or two small items upon which payment was delayed for a considerable length of time. He says, "Oh now they are blaming that on the Tax Anticipation Notes." I say to you, Mr. Speaker, that those payments would have been made over a month ago, and the reason why the school teachers of the first, second and third class districts, some of whom are not receiving their pay, are not receiving it is because the Tax Anticipation Note bill was not passed by this House, and that they continue to bottle up that bill.

The reason why subsidies to hospitals and other institutions, including the institutions of higher learning, have not been paid is because the Tax Anticipation Note bill has not been passed by this House. If that bill had been on the Governor's desk when it should have been on the Governor's desk, in the early part of May, those bills could have been paid at that time, because on the fifth of June we would have had money available, and the cash balance of the Commonwealth would have been in satisfactory condition, but back in May when the Tax Anticipation Note bill was not being passed by this House, back there when I had written a letter to the majority members of this House and they paid no attention to what was going on, and were paying no attention to the necessity for the passage of this bill, the State had to continue to hold cash enough to carry on its functions. I insist, Mr. Speaker, that had the State not done that, the State's cash balance today would have been so low that it would not be able to carry on the functions of government and send out relief checks.

Had the Tax Anticipation Note bill been passed in May, or had the Governor of this Commonwealth known that the Tax Anticipation Note money would have been in on June 5th as it should have been, then all those bills could have been paid during the month of May, because it would not have been necessary to save the cash balance of the Commonwealth in condition to carry on the necessary functions of the government and to send out the relief checks. and that is the reason why those

few small items, as well as the larger item of seventy million dollars plus which was borrowed from the special funds was held up, because of the failure of the majority of this House to keep their pledge to the people of the Commonwealth of Pennsylvania and pass the Tax Anticipation Note bill to provide the money for carrying out the provisions of the transfer act.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I will read a part of the letter that went out to some of these municipalities. It says "I have been requested by Governor James to explain the reason for the State being unable to make the payments referred to above on the date when due."

Now, certainly these payments were due in November of 1940, and the Tax Anticipation Note bill could have been passed in May or March or February of this year and still the payments would not have been made on their due dates.

I am pointing that out and wondering whether the gentleman, the minority leader will kindly explain to me, and even more than to me, he ought to explain to the school districts that received the letter, why the Governor didn't pay in November of 1940, before the Legislature was in session, before we had any right to be in session, before we had any right to take office.

Of course, we know the answer. The Governor guessed wrong in his budget of 1939-1941 just as he has been guessing wrong all the time; just as he is guessing wrong now. That is why he did not pay in 1940 and that is why he did not pay in 1941.

May I also correct the gentleman, the minority leader, and suggest that the mere passage of the Tax Anticipation Note bill is not sufficient; that in addition to that there are tax measures that have to be passed. In other words, the picture must be complete before the bill in relation to Tax Anticipation Notes is in shape or is able to be passed.

May I say, Mr. Speaker, and may I lay special emphasis on this, that if the Governor of Pennsylvania had a balanced budget in 1939-1941 he would not need Tax Anticipation Notes now to pay the bills due last year, and that is what he is complaining about, and the fault is his, Mr. Speaker, his because he did not have a balanced budget then, even though he pays lip service to the balanced budget. If he had he would not be in the position he is in today, and if he listens to the Democrats he will find that in the next two years he will give proper administration to this state. If he does not, then of course, the people are the losers.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, anybody who has been following the remarks of the gentleman for the last month would certainly be interested again in his remarks today. He started to shift around today again. You know he backed up on the question of deficits. It certainly is interesting that the gentleman would come on the floor of the House today and talk about a balanced budget when the budget which

he himself submitted unofficially to this House of Representatives left out a number of items, showing definitely that it was not balanced, and then increased estimates of revenue way over that of the Governor's in order to cover up another unbalanced budget.

I am not going to go over all that debate again; we have gone over it on the floor of the House a number of times, but it was interesting to see him make another right-about-face in his suggestions.

I do, however, feel that there should be inserted, inasmuch as there has been so much discussion about it, the entire letter to which the gentleman has referred. Therefore, Mr. Speaker, I would like to read into the record this letter.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 13, 1941.

In Re: Payments Due Firemen' Relief Associations
by the Commonwealth

I have been requested by Governor James to explain the reason for the State being unable to make the payment referred to above on the date when due.

The entire financial program of the State has been thrown into confusion by failure of the majority party in the lower House of the General Assembly either to accept Governor James' budget or to enact an alternative program which could legally be accepted by the Administration.

Payment of the items listed above is dependent upon the sale of tax anticipation notes to provide cash needed for State operations. Legislation authorizing the sale of such notes is under consideration, but passage of it has failed thus far, for the reason that the majority leaders of the House have refused to accept the official estimates of State revenues, whereas the Administration is legally bound by those estimates and, further, the use of other than the official estimates of revenue would, we are informed, destroy the market for these notes.

Attempts to compromise this matter by the inclusion of the words "at least," ahead of the official estimate of receipts, have been rejected by the House majority leaders.

For this reason all State payments, such as the one referred to in this letter, must necessarily be delayed indefinitely.

My purpose in writing you is to let you know that this Administration fully recognizes the solemn obligation imposed upon us to make these overdue payments and has used every means of persuasion to secure the necessary action from the majority leaders in the House to prevent further delay.

I can assure you that we will proceed to make these payments at the earliest possible moment when legislation permitting this has been enacted.

Sincerely yours,

EDWARD B. LOGAN
Budget Secretary

Enclosure.

PERMISSION TO ADDRESS HOUSE

Mr. BRETHERICK asked and obtained unanimous consent to address the House.

Mr. Speaker, in line with the remarks made by Representative Fiss, I would like to read to the Members of the House of Representatives a telegram which has been sent to some of the Members by the American Legion of the State of Pennsylvania, of which organization I have the honor to be a member. That telegram reads as follows:

"Pennsylvania Legislature now holding in committee Legion sponsored bills dealing with subversive activities particularly bills removing that element from ballot and from our schools. We believe their objec-

tives are strictly non partisan and no American can legitimately take issue with intent of the proposed legislation. Eighty thousand Pennsylvania Legionnaires and forty-five thousand women of Auxiliary view with concern the inactivity of the House on our legislation. As a representative of the American form of government we urge your cooperation in preserving the bulwarks of democracy by insisting upon action on our bills designed to thwart the activities of the foreign agents in our midst."

I wonder if I may read an excerpt from an editorial in this morning's Philadelphia Inquirer dealing with this same legislation:

"One of the measures would outlaw the Communist Party from the ballot in Pennsylvania, in step with similar action taken by a number of other states."

Mr. Speaker, I am going to ask you to please call the House to order. The gentlemen on the other side of the House are apparently not interested in this measure because it deals with subversive legislation.

The SPEAKER. The House will be in order.

Mr. BRETHERICK. The editorial continues:

"This bill would deprive the Reds of rights and privileges they have enjoyed too long and have never deserved; rights and privileges that belong to regular American political parties but not to a branch agency of a foreign Power dedicated to the overthrow of American institutions.

"The Communists are against this bill, of course, but why should any loyal American oppose it? Yet it has been stifled in the House Committee on Elections for the past two months.

"Another important anti-Red proposal, already passed by the Senate, would put an end to the intolerable situation now existent whereby Boards of Education are powerless to dismiss school teachers for Communistic activity.

"The bill would grant the Boards the required authority to get rid of teachers who try to contaminate their charges with Communist doctrine. Is there any good reason why a legislator worthy the name patriot should not support this measure, particularly in view of the recent revelations concerning Philadelphia teachers? Yet this bill has been held inactive for two months in the House Committee on Education."

Mr. Speaker, I say to you there is no more important piece of legislation before this House of Representatives than the bills which are now languishing in Committee, which if passed would tend to eliminate these subversive activities in our great Commonwealth.

The Department of Education in Pennsylvania has just ruled that one who engages in Communistic activity does not come within the provisions of the Teacher's Tenure Act, and such a person may with impunity continue to teach the slimy principles of Communism to your children and my children while we must look upon it powerless to do anything at all.

Mr. Speaker, the American Federation of Labor has seen fit to revoke the charter of the Philadelphia Federation of Teachers, a radical, and I think a Communistic organization. Notwithstanding the fact that the American Federation of Labor has seen fit to revoke the charter of the Philadelphia Federation of Teachers, the Philadelphia taxpayers must continue to have the members of that organization teach their children. I say to you, Mr. Speaker, that it is a crime and a disgrace to the state of Pennsylvania when a body of representatives sent to this hall to do the right thing as far as the taxpayers are concerned, refuses to bring out on the floor of this House

for consideration, whether they be passed or not, bills which tend to prevent foreign isms from creeping into our schools and into our form of government. I say to you, Mr. Speaker, that the bills which have been introduced to prevent subversive activities are bills which will prove a bulwark in our fight to preserve freedom and democracy as we know them, and I urge every member of this House, regardless of his political complexion, to see that these bills are blasted out of committee and placed on the floor of this House so that we who pride ourselves on being Americans will have an opportunity to vote on them.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. FALKENSTEIN asked and obtained permission for the Committee on Public Utilities to meet during the session of the House.

MR. WINNER IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1465, entitled:

An Act to amend the act, approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agent, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1727, entitled:

An Act providing that proceedings, acts and bonds issued, by Authorities incorporation under the Municipality Authorities Act, as amended and supplemented, shall not be invalid by reason of certain circumstances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1728, entitled:

An Act relating to the compatibility of officer of members of the Boards and officers of the Authorities incor-

porated under the Municipality Authorities Act, as amended and supplemented.

And said bill having been read at length the first time,
Ordered, To be laid aside for second heading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 753, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Welfare to acquire certain land adjacent to, and for the use of the Scranton State Hospital; providing for the improvement and use thereof; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1805, (Senate Bill No. 697), entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 871, (Senate Bill No. 9), entitled:

An Act concerning the permanent recordation of certain births, birth certificates, the issuance of copies of such certificates, and prescribing the procedure therefor; enlarging the powers and duties of the Department of Health and the Bureau of Vital Statistics

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1573, (Senate Bill No. 30), entitled:

An Act providing for the establishment construction operation and maintenance of a mountain ridgeroad or parkway in the Pocono Mountains through bordering or accessible to the counties of Monroe Northampton Carbon Luzerne Lackawanna Wayne and Pike to be known as the "Rim Parkway" Providing for the creation of the Pennsylvania Parkway Commission and conferring powers and imposing duties on said commission authorizing the issuance of parkway revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such parkway providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the parkway making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such parkway shall become free providing for condemnation granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission conferring powers and imposing duties on the Department of Highways and authorizing the issuance of parkway revenue refunding bonds and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1828, (Senate Bill No. 787), entitled:

An Act to further amend the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by exempting certain transportation from the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle" further regulating the right to render service as a contract carrier by motor vehicle prohibiting the imposition of costs upon the commission in certain appeals to the Superior Court subjecting persons and corporations to certain civil penalties for violating the act prohibiting motor carriers common carriers by airplane and any operator or employe of such carriers and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers and changing the penalty with respect thereto and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and con-

sideration of House Bill No. 1603, (Senate Bill No. 169), entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1484, entitled:

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employees, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employees as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees, respectively, and providing for the compensation of such substitutes," by extending provisions to include certain provisional employees of the Commonwealth of Pennsylvania in its civil service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 846, entitled:

An Act requiring school boards in all school districts to

grant leaves of absence to all school employees who shall volunteer or be called for military naval or similar service under the Selective Service Law of 1940 or subsequent laws of the United States of America and to all school employees in the National Guard, land or naval reserve forces who shall be called for active duty; preserving certain contracts, salaries, increments, retirement rights, seniority, State contributions and grants to local school boards, eligibility lists, re-employment; requiring school boards to employ substitutes in place of such employees; reserving all rights and privileges of employees granted leaves of absence under the provisions herein; superseding or repealing all contrary laws.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 539, entitled:

An Act to further amend section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by exempting certain property from execution in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1675, (Senate Bill No. 566), entitled:

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds right, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees; reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges on real estate.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1216, entitled:

An Act to amend sections two and six of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirty-nine (P. L. 1184), entitled "An act requiring all employable persons receiving public assistance, with certain exceptions, to perform certain work, or be refused further assistance; conferring powers and imposing duties on county boards of assistance, and on charitable institutions, persons, copartnership, associations, corporations, and State and Federal employment officers; and requiring payments to the Commonwealth on account of certain work performed," by further defining the work to be done, and rate of pay to be received by employables.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Montgomery, Mr. Winner, for presiding.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1119, entitled:

An Act exempting automatic merchandise vending machines and their contents located on leased premises and held under conditional sale bailment lease or other like agreement from levy and sale on execution or distress for rent if certain written notice of such agreement is given the lessor of the premises on which such machines are located and saving the right of lessors to levy on and sell or distrain any rights which lessees may have in such automatic merchandise vending machines under a conditional sale bailment lease or other like agreement.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CHUDOFF. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 259, entitled:

An Act to further amend sections four hundred eleven of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15—1933-34), entitled, as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for

consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by further fixing the hours during which liquor, malt or brewed beverages may be sold;

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 636, entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments, and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties, "as amended, redefining the powers and duties of the registration commission and its employees; revising the provisions regulating the filing of removal notices and the cancellation of registrations; changing the provisions and times for registration, change of party enrollment and the cancellation of registrations; imposing duties on certain city officers; revising the procedure on appeals to the courts; providing for the manner of reckoning time; and imposing additional penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 777, entitled:

An Act to amend section two thousand five hundred five A of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and com-

pensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further regulating the fixing of maximum and minimum salaries by the Department of Public Assistance and the employment Board, and providing for increases of salaries in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1322, entitled:

An Act to further amend the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for the other purposes," by changing the method by which notice of the formation of a municipal authority shall be made public further regulating incorporation purposes and existence of the authority defining procedure whereby an authority can enter into contracts and dispose of its bonds imposing additional qualifications and duties on members of the authority imposing civil liability on members of the board and officers of an authority in certain cases requiring annual audits imposing additional duties on the court of common pleas giving authorities right of eminent domain in certain cases and extending with certain limitations the power of Authorities to make certain purchases

The first section was read and agreed to.

The second section was read.

On the question.

Will the House agree to the section?

Mr. NAGEL. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 2, (sec. 3) page 7, line 20, by inserting after the word "section" the following: "Provided, That if any Authority fails to begin substantial operation on any project or projects as set forth in its articles of incorporation within a period of two years thereafter it shall have no authority to act on such project or projects."

The amendment was agreed to.

The section was agreed to as amended.

The third section was read.

On the question.

Will the House agree to the section?

Mr. NAGEL. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 3, (sec. 7) page 20, line 6, by inserting after the word "Authority" the following: "or management service or supervisory service".

Amend sec. 3, (sec. 7) page 20, lines 8 to 12, both inclusive, by striking out the words "and no contract for management" in line 8, and all of lines 9 to 12 inclusive.

The amendments were agreed to.

The section was agreed to as amended.

The fourth and fifth sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1771, entitled:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce annulment of marriage adoption and annulment of adoption proceedings providing for the registration of such certificates by the said department the issuance of certified copies thereof and fixing fees and penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1643, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for the manner of payment of escheator's fees informant's commissions and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat designating the funds to which such moneys shall be credited and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1719, entitled:

An Act to add clause (k) to section two thousand one hundred two and to repeal clause (d) of section two thousand one hundred ten of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of

trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health to conform with the provisions of the Public Utility Law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1835, entitled:

An Act creating a Highway Traffic Advisory Committee to the War Department of the United States of America providing for its appointment prescribing the powers and duties and authorizing the use by the committee of the employes equipment supplies and facilities of certain State agencies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1397, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" as amended by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1797, entitled:

An Act making an appropriation to the committee appointed by the Speaker of the House of Representatives to investigate the maintenance operation and conduct of all State hospitals

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1013, entitled:

An Act to repeal section five of the act approved the fourth day of May one thousand nine hundred five (P. L. 385) entitled "An act creating the Water Supply Commission of Pennsylvania defining its duties fixing the scope of its authority and powers and making an appropriation for the payment of the salaries and expenses connected therewith" prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1466, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the procedure for and regulating elections by persons in actual military service imposing duties upon the Secretary of the Commonwealth courts county boards of elections and county commissioners providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service

The first section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 102), page 5, lines 12 to 15, by striking out the words "shall be in" in line 12, all of lines 13 to 15, both inclusive, and inserting in lieu thereof: "are or may be, by enlistment, enrollment or draft in the military or naval service of the United States or any branch or unit thereof or in the military service of the Commonwealth."

On the question,

Will the House agree to the amendments?

Mr. WOODSIDE. Mr. Speaker, this is one of the series of bills which was suggested by the Department of State to enable soldiers in the service to vote during the time they are in the service. I understand there are a number of amendments proposed to this bill and to the others in this series. Some of these amendments have been acted upon or recommended by the Department of State. Certain of the others have not been seen by them, I think. However, I see no objection to the inserting of these amendments. The important thing at the present time is to get this bill passed and sent over to the Senate, and if after careful consideration it is found that any of these amendments ought to be changed I feel sure we will be able to work it out in conference between the two Houses. It seems to me the important thing at the present time is to get this bill passed, and I feel con-

fidant that the gentlemen on the other side as well as on our own side feel that the best interests of the Commonwealth would be carried out by enacting this bill into law. For that reason we have no objections to these amendments although we may not subscribe to all of them.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend bill, by striking out Sections 3 to 32 inclusive and inserting in lieu thereof two new sections, Sections 3 and 4 as follows:

Section 3. Article thirteen of said act, is hereby repealed absolutely.

Section 4. Said act is hereby amended by adding thereto a new article thirteen to read as follows:

ARTICLE XIII

VOTING BY PERSONS IN ACTUAL MILITARY SERVICE

Section 1301. Qualified Electors in Actual Military Service.—Whenever any of the qualified electors of this Commonwealth shall be in any actual military service under a requisition from the President of the United States or by the authority of this Commonwealth, and as such absent from their place of residence on the days appointed by law for holding any election within this State, or on the days for holding special elections to fill vacancies, such electors shall be entitled at such times to exercise the right of suffrage as fully as if they were present at their usual places of election in the manner prescribed in this article and whether at the time of voting such electors shall be within the limits of this State or not.

Section 1302. Ballots.—Ballots for use by electors in actual military service under the provisions of this article shall be prepared sufficiently in advance by the county boards of election and shall be by such boards distributed as hereinafter provided to the electors in actual military service entitled to vote at any election. Such ballots shall be in substantially the form prescribed by article ten of this act for ballots to be used at the same elections within this Commonwealth, but in cases where there is not time in the opinion of the county boards of elections to print on said ballots the names of the various candidates for district, county and local offices, the ballots shall contain blank spaces only under the titles of such offices in which the voters may insert the names of the candidates for whom they desire to vote and in such cases the county boards of elections shall furnish to the elector in actual military service, a sufficient number of printed lists containing the names of all the candidates who have been regularly nominated under the provisions of this act for the use of the elector in preparing his ballot.

Section 1303. Duties of County Boards.—In the case of any election at which votes are cast by electors in actual military service under the provisions of this article, it shall be the duty of each county board of elections to withhold the completion of the computation of the returns of the county until the second Friday after such election within which period all votes cast by electors of the county in actual military service as provided in this article shall be added to and included in its computation of the returns of such election but not afterwards.

Section 1304. Manner of Voting by Electors in Actual Military Service.—Electors mentioned in section one thousand three hundred and one, shall have the right to apply not less than thirty (30) days and not more than fifty (50) days before any election for a "military ballot." The application shall be in writing signed by the applicant in his own hand and addressed to the county board of elections of the county wherein the applicant is registered to vote and shall state the county and the city, borough or township and the precise ward or election district in or the street and number at which the applicant is registered to vote. If the application is for a ballot for a primary election it shall also state the political party in which the applicant is enrolled.

Section 1305. Ballots and Envelopes for Electors in Actual Military Service.—The county boards of elections shall prepare and upon request, deliver to the said electors in actual military service, a ballot by registered mail in an envelope addressed to each such elector at the address furnished by the elector in his application for a military ballot. Such ballots shall be prepared and printed in the same form as the ballots provided for by section one thousand three hundred and two of this act, but shall have in addition, printed, stamped or endorsed thereon the words "Military Ballot." The county boards of elections shall also provide and deliver as aforesaid, three envelopes for each military ballot of such size and shape that will permit the placing of one within the other. On the first, shall be printed, stamped or endorsed only the words "Military Ballot." On the second, shall be printed, the affidavit of the elector together with the jurat of the officer in whose presence the ballot is marked and before whom the affidavit is made, such affidavit and jurat to be in form prescribed by the Secretary of the Commonwealth. On the third, shall be placed the name and address of the county board of elections of the proper county. All military ballots and envelopes shall be mailed, at least fifteen (15) days before the election involved, to the electors requesting them.

Each county board of elections shall print and post in a conspicuous public place at its office a list setting forth the name, present location, and local voting district or ward of every elector to whom a military ballot has been sent. This list shall be posted at least ten (10) days before the primary or election involved and shall also set forth the total number of military ballots prepared by the county board of elections. Copies of such list shall be furnished upon request to the county chairman of each political party and political body.

Section 1306. Voting by Electors in Actual Military Service.—Any such elector may make application prior to the day of any election to the county boards of elections for a "Military Ballot." At any time after receiving such military ballot but on or before the day of the election, such elector in actual military service may appear before any commissioned officer of the military or naval forces either within or without the Commonwealth or before any officer of this or any other state or territory of the United States authorized to administer oaths and mark such ballot under the scrutiny of such officer in the following manner. The voter shall first display the ballot to such officer as evidence that the same is unmarked and shall then proceed to mark the ballot in the presence of such officer, but in such manner that such officer is unable to see how the same is marked, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Military Ballot." This envelope shall then be placed in the one on which is printed the affidavit of the elector and the jurat of the officer before whom the elector appears and such envelope, sealed in like manner by the elector. The elector shall then make out, subscribe and swear to the affidavit printed on the face of such envelope and the jurat shall be subscribed by the officer before whom the affidavit was taken. Such ballot and envelope shall then be securely sealed in the third envelope which the elector shall send by mail to the county board of elections of the proper county with postage prepaid.

Section 1307. Receipt and Counting of Military Ballots. —The county board of elections, upon receipt of such third envelope, shall safely keep the same in their office until they meet to canvass the vote of such election under the provisions of this act.

At such time the members of the county board of elections, may, in person, dispose of military ballots in the manner hereinafter set forth or they may designate a sufficient number of clerks to perform such duties. When it is determined that clerks shall be appointed, the total number, shall, in every case be in multiples of three, each member of the county board of elections shall appoint an equal number thereof.

Watchers appointed in the manner prescribed by and subject to the restrictions imposed by section four hundred and seventeen of this act, insofar as applicable, shall be permitted to be present whenever any of the envelopes containing military ballots are opened and whenever any such ballots are counted and recorded.

In disposing of military ballots, the county board of elections or the clerks designated as aforesaid shall first examine the third envelope and set aside, unopened, all such envelopes which bear a post mark later than the date of the particular election day involved. The envelopes thus set aside shall be retained for a period of one year and then destroyed unopened.

They shall then open the third envelopes not thus set aside and after examining the affidavit and jurat, shall compare the signature of such absent voter with his signature upon any register or other record in their possession. If the county board is satisfied that the signatures correspond, that the affidavit and jurat are sufficient and that the voter has been duly registered as provided by law, they shall announce the name of the elector and shall give any person present an opportunity to challenge the same in like manner and for the same causes as such elector could have been challenged had he presented himself in his own district to cast his vote. If there are no challenges they shall open the second envelope in such manner as not to destroy the affidavit and jurat printed thereon, which envelope shall be kept in their office for a period of one year thereafter. All envelopes on which are printed, stamped or endorsed the words "Military Ballot" and containing the ballots shall be put into one depository at one time and said depository well shaken and the envelopes containing the ballots mixed before any ballot is taken therefrom. The county board shall then break the seals of such envelopes and record the said ballots in the same manner as district election officers are required to record votes under the provisions of this act. In like manner all military ballots received prior to completion of the computation of the returns of the county shall be counted and recorded and upon the completion of the computation of the returns of the county, the votes cast upon the military ballots shall then be added to the votes cast within the county, city, borough, incorporated town, township, ward or election district as designated on each ballot. Military ballots shall be safely kept by the county board of elections for a period of one year.

The amendments were agreed to.

The sections were agreed to as amended.

The thirty-third section was read.

On the question.

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 33, page 17, line 13, by striking out the figure "33" and inserting in lieu thereof: "5".

The amendment was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 14 of title on page 1, by inserting after the word "regulating" the following: "voting in".

Amend title, page 1, line 15 of title on page 1, by inserting after the word "service" the following: "conferring powers and".

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MELCHIORRE. Mr. Speaker, I move that House Bill No. 1322, Printer's No. 969, entitled:

An Act to further amend the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463) entitled as amended "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same and prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by changing the method by which notice of the formation of a municipal authority shall be made public further regulating incorporation purposes and existence of the authority defining procedure whereby an authority can enter into contracts and dispose of its bonds imposing additional qualifications and duties on members of the authority imposing civil liability on members of the board and officers of an authority in certain cases requiring annual audits imposing additional duties on the court of common pleas giving authorities right of eminent domain in certain cases and extending with certain limitations the power of Authorities to make certain purchases.

be recommitted to the Committee on Public Utilities for the purpose of further study and possible amendment.

On the question.

Will the House agree to the motion?

Mr. RUSH. Mr. Speaker, I rise to oppose this motion to recommit this bill, House Bill 1322, Printer's No. 969, because it has been on the Calendar and has been before this House of Representatives since early in April. There has been ample time to study the bill and I think the only purpose of recommitting this bill is because certain amendments were put in tonight that eliminated the possibility of appointing employes of the authorities to life time positions.

Under the original provisions of the bill the employes could not be employed for a period longer than four years, but the amendments that were inserted when this bill was in committee, before it was reported out on the floor of the House, provided that under the management service or supervisory service of the municipal authorities, contracts could be entered into for a period as long as the maturity date of the bonds, four years. I don't know of any elective office in the state of Pennsylvania

or in the United States except the judges of our courts who are elected for a period longer than six years, I cannot understand why they would want to make an employe of municipal authorities, an employe under contract, for a period of four years. I think that there are certain people who have a personal interest in having these amendments concurred in. I do not think it is good legislation and I do not think this bill ought to be sent back to committee. As most of you know there are in the courts of Pennsylvania today suits pending where municipal authorities have been formed who have been selling bonds and have been stealing money from the citizens of those communities. I cite for example my own district in the city of Chester where there are pending today in the courts suits where the municipal authorities themselves have misused public funds. During the December session of court there was a grand jury appointed to investigate certain activities of the municipal authorities in the city of Chester where the Mayor and members of council by an ordinance set up a municipal authority and then proceeded to acquire a water works within the city of Chester to supply not only the city of Chester but several outlying municipalities. I would like to read an excerpt or two from the findings of the grand jury.

The SPEAKER. The Chair would advise the gentleman that the question before the House is on the motion to recommit. The gentleman will confine himself to that question.

Mr. RUSH. Mr. Speaker, I am giving reasons why this bill should not be recommitted for the purpose of pickling.

The SPEAKER. The gentleman may not debate the merits of the bill. The gentleman will proceed in order.

Mr. RUSH. Mr. Speaker, I oppose the motion to recommit this bill because there has been ample time for the House to study the contents thereof. Public hearings have been held on a similar bill which was introduced in the Senate. There have been many conferences held by interested people in the state of Pennsylvania, and the citizens of Pennsylvania desire that there be legislation enacted by this House of Representatives to correct the evil which now exists because of a certain amendment that was placed in the Municipal Authority Act of 1939. Unless this bill is enacted into law they are still going to legalize the stealing of public funds from the citizens of Pennsylvania, and I say to you that every Member of this House who votes to recommit this bill, to send it back to committee, is saying to the citizens of Pennsylvania that they are placing their stamp of approval on the stealing of public funds by those very officials who are going to be members of the municipal authorities.

Therefore, Mr. Speaker, I ask every Member of this House to vote against the recommitment of House Bill 1322.

Mr. TROUT. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Melchiorre.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. MELCHIORRE. I shall, Mr. Speaker.

Mr. TROUT. Mr. Speaker, I should like to ask the gentleman from Philadelphia the purpose of recommitting this bill.

Mr. MELCHIORRE. Because, Mr. Speaker, amendments

were offered to this bill that were not agreed upon by the members of our party.

Mr. TROUT. Mr. Speaker, I would like to ask the gentleman from Philadelphia if that is the case, then this is purely Democratic legislation and the Republicans have nothing to say about it, and if it is enacted, it will be enacted in the interests of the Democrats of Pennsylvania?

Mr. MELCHIORRE. Mr. Speaker, in answer to the gentleman from Lancaster, I might ask him whether he has offered any amendment to this bill to clarify it or make it any better than it is?

Mr. TROUT. Mr. Speaker, in answer to the gentleman, I should say no, but I should like to have an opportunity of discussing this bill on the floor of the House.

Mr. MELCHIORRE. Mr. Speaker, is that a question the gentleman is asking me?

Mr. TROUT. No, Mr. Speaker, that is not a question. That is an answer to the gentleman's question. I did not submit any amendments. The reason for that is I would like to have the opportunity of discussing it on the floor of the House.

Mr. MELCHIORRE. Mr. Speaker, does the gentleman want me to answer that question? I will answer the gentleman by saying that this bill will come out on the floor of the House again, at which time the gentleman from Lancaster, Mr. Trout, will have an opportunity to discuss the merits of the bill. Does that satisfy the gentleman?

Mr. TROUT. Mr. Speaker, is the gentleman speaking now for the Democratic majority of the House and does he have authority to so speak?

Mr. MELCHIORRE. Mr. Speaker, I am speaking as an individual and not as the leader on this side of the House.

Mr. TROUT. Mr. Speaker, that does not carry out my idea.

Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TROUT. Mr. Speaker, I would like to ask the gentleman from Monroe whether if this bill is recommitted tonight it will come back on the floor of the House in time to take action on the same.

Mr. ACHTERMAN. Mr. Speaker, of course the gentleman is familiar with the fact that while the Committee has charge of the bill it may, if it so wishes, report the bill out in sufficient time to have action, and then again if they so desire they may retain it for such a length of time that no action could be had on it. I am not going to commit myself on the action of any committee.

Mr. TROUT. Mr. Speaker, the first bill that was introduced by the gentleman from Delaware, Mr. Rush, was House Bill No. 203, Printer's No. 145, which was referred to the Committee on Public Utilities on February 4, and then another bill House Bill 1322, Printer's No. 470, which was referred to the Committee on Public Utilities on April 21st. I understand during all this time there were a number of conferences concerning the bills, and I want to oppose the recommitment of this bill. I am vitally interested in some of the provisions of the bill. My people back home are interested in the provisions of this bill and they are interested in certain provisions being placed into the bill which will give the people of the municipalities an opportunity of knowing what is transpiring and

of having some knowledge of the regulations, some knowledge of the rates and some knowledge of the cost of operation. This is important; it is important to every municipality in this Commonwealth. The gentleman from Monroe said he is not going to guarantee the return of this bill. It is my opinion, Mr. Speaker, that if this bill is recommitted now, the influences back of it are sufficiently strong to keep it in committee and the municipal authorities under the 1939 Act will continue to operate.

I want to say to the Members of this House that this Legislature cannot afford to permit the 1939 regulations of the municipal authorities to continue.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Nagle and Mr. Hamilton.

Messrs. Rush, Moul and Russell P. Reese asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—112

Allmond,	Flynn,	Leonard,	Reese, D. P.,
Auker,	Foor,	Levy,	Reynolds.
Baker,	Gillette,	Leydic,	Rhea.
Balthaser,	Greenwood,	Lichtenwalter.	Rosenfeld,
Bentley,	Gross,	Longo,	S.rrai,
Boles,	Gryskewicz,	Lyons,	Schwab,
Boorse,	Gyger,	Malloy,	Serrill,
Bower,	Habbyshaw,	Marks,	Shaffer,
Bretherick,	Haines,	McClanaghan,	Shaw,
Brunner, P. A.,	Hall,	McClester,	Skale,
Chudoff,	Heatherington,	McDermott,	Snyder,
Cohen, R. E.,	Helm,	McFall,	Sorg,
Cook,	Hering,	McIntosh,	Stambaugh,
Cooper,	Herman,	McLane,	Stockham,
Corrigan,	Hersch,	McSurdy,	Tate,
Croop,	Hewitt,	Melchiorre,	Thompson, E. F.,
Cullen,	Imbrie,	Mihm,	Thompson, R. L.,
Dairymple,	James,	Modell,	Turner,
Dennison,	Jefferson,	Munley,	Verona,
DiGenova,	Jones, G. E.,	O'Brien,	Voldow,
D'Ortona,	Keenan,	O'Dare,	Welsh, E. B.,
Duffy,	Kenehan,	O'Mullen,	Williams,
Early,	Kline,	Pettit,	Winner,
Elder,	Knoble,	Polaski,	Woodring,
Ely,	Kolankiewicz,	Polen,	Woodside,
Finestone,	Krise,	Powers,	Yeakel,
Finnerty,	Lee, E. A.,	Prosen,	Kilroy.
Fliss,	Lee, T. H.,	Rank,	Speaker.
	Lelsey,		

NAYS—55

Bradley,	Gallagher,	Maxwell,	Rose, W. E.,
Brown,	Gates,	McKinney,	Royer,
Burns,	Haberlen,	Mooney,	Rush,
Burris,	Hamilton,	Moran,	Stank,
Chervenak,	Harkins,	Moul,	Stine,
Cochran,	Harmuth,	Muir,	Tarr,
Cohen, M. M.,	Harris,	Nagel,	Trout,
Cordier,	Hirsch,	Nunemacher,	Vincent,
Dix,	Holland,	O'Connor,	Weingartner,
Dolon,	Huntley,	Owens,	Weiss,
Elliott,	Jones, P. N.,	Petrosky,	Wood, N.,
Fleming,	Komorowski,	Rausch,	Wright,
Fletcher,	Lesko,	Reese, R. E.,	Yester,
French,	Lovett,	Riley,	

So the question was determined in the affirmative and the motion was agreed to.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 849.

An Act to further amend the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointments of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties" further regulating the issuing to and revocation and suspension of licenses of weighmasters requiring the use of suitable scales regulating the issuing use and keeping of weighmaster's certificates conferring powers and imposing duties upon state city and county inspectors of weights and measures and the Department of Internal Affairs declaring certain proofs to constitute prima facie evidence of a violation of the act extending the provisions of said act to cases heretofore exempted and prescribing additional and increased penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 11, by striking out the word "are" and inserting in lieu thereof the word "is".

Amend Section 3, page 4, at the end of line 4, by striking out the word "weighed"; also same page, at the beginning of line 5, by striking out the words "separately and"; also page 5, line 5, by striking out the words "copy of a"; also same page, line 6, by inserting before the word "made" the words "typewritten or"; also same line by striking out the word "typewritten"; also same page, by striking out in lines 22 to 24 inclusive the words "on the same scales and without said vehicle having left the premises where said weights are determined" and inserting in lieu thereof the words "in accordance with the rules and regulations of the department."

Amend Section 6, page 8, line 24, by striking out before the word "treasurer" the word "county"; also same line by inserting before the words "county wherein" the words "city or"; also page 9, line 7, by striking out before the word "treasurer" the word "county"; also same line by inserting before the words "county wherein" the words "city or"; also page 10, at the end of line 16, by inserting after the word "absent" the words "or disabled."

Amend Section 7, page 11, line 20, by striking out the word "and" and inserting in lieu thereof the word "or".

Amend Section 8.2, page 13, line 22, by striking out the heavy-faced bracket before the word "Section"; also same page, at the end of line 26, by striking out the heavy-faced bracket after the word "act".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Gallagher,	Lyons,	Rose, S.,
Auker,	Gates,	Malloy,	Rose, W. E.,
Allmond,	Gerard,	Marks,	Rosenfeld,
Baker,	Gillan,	Maxwell,	Royer,
Balthaser,	Gillette,	McClanaghan,	Rush,
Baughner,	Goodwin,	McClester,	Sarra,
Bentley,	Greenwood,	McDermott,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Simons,
Bretherick,	Haines,	McLane,	Skale,
Brown,	Hall,	McMillen,	Snyder,
Brunner, C. H.,	Hamilton,	McSurdy,	Sollenberger,
Brunner, P. A.,	Harkins,	Melchiorre,	Sorg,

Burns,	Harmuth,	Mihm,	Stambaugh,
Burris,	Harris,	Modell,	Stank.
Cadwalader,	Heatherington,	Monks,	Stine.
Chervenak,	Helm,	Mooney,	Stockham.
Chudoff,	Hering,	Moran,	Tarr.
Cochran,	Herman,	Moul,	Tate,
Cohen, M. M.,	Hersch,	Muir,	Taylor,
Cohen, R. E.,	Hewitt,	Munley,	Thompson, E. F.
Cook,	Hirsch,	Nagel,	Thompson, R. L.
Cooper,	Holland,	Nunemacher,	Trout.
Cordier,	Huntley,	O'Brien,	Turner,
Corrigan,	Imbrie,	O'Connor,	VanAlsburg.
Croop,	James,	O'Dare,	Verona.
Cullen,	Jefferson,	O'Mullen,	Vincent.
Dalrymple,	Jones, G. E.,	O'Neill,	Vogt.
Dennison,	Jones, P. N.,	Owens,	Voldow,
DiGenova,	Keenan,	Petrosky,	Voorhees.
Dix,	Kenehan,	Pettit,	Watkins.
Dolon,	Kline,	Polaski,	Weingartner.
D'Ortona,	Knoble,	Polen,	Weiss.
Duffy,	Kolankiewicz,	Powers,	Welsh, E. B.,
Early,	Komorowski,	Prosen,	Welsh, M. J.,
Elder,	Krise,	Rank,	Williams.
Elliot,	Lee, E. A.,	Rausch,	Winnner.
Ely,	Lee, T. H.,	Readinger,	Wolf.
Falkenstein,	Lelsey,	Reagan,	Wood, L. H.,
Finestone,	Leonard,	Reese, D. P.,	Wood, N.
Finnerty,	Lesko,	Reese, R. E.,	Woodring.
Fiss,	Levy,	Regan,	Woodside.
Fleming,	Leydic,	Reynolds,	Wright.
Fletcher,	Lichtenwalter,	Rhea,	Yeakel.
Flynn,	Longo,	Riley,	Yester.
For,	Lovett,	Rooney,	Young.
French,			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 525.

An Act amending, revising, consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds, as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties; and repealing existing laws.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred,

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 869:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred thirty-six (P. L., First Extraordinary Session, 47), entitled "An act to enable persons, associations, partnerships, and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of

any kind or description; providing for bonds with confessions of judgments; regulating the assignment and release of such mortgages; and designating the operation and effect of the lien of such mortgages" by extending, enlarging, and removing the limitations from the class of those who may become chattel mortgagees; by making further provision respecting fees of recorders of deeds in connection with chattel mortgages, extension of the lien of said mortgages and defaults of said mortgages; and by defining violations and prescribing penalties.

HOUSE BILL No. 251:

An Act to amend section eleven of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2532), entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth; and to provide for the administration thereof," by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer; and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employee or any other party in interest against the fund.

HOUSE BILL No. 179:

An Act validating the title to real estate purchased at judicial sales for unpaid taxes or municipal assessments where there is a defect in the names of the parties in certain cases and providing certain exceptions

HOUSE BILL No. 739:

An Act to further amend paragraph six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by further defining State employee.

HOUSE BILL No. 834:

An Act requiring persons selling "merchandise" as herein defined to place weighing and measuring devices in full view of the purchasers imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures and providing penalties.

HOUSE BILL No. 322:

An Act making an appropriation from the Game Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Game Fund.

HOUSE BILL No. 333:

An Act making an appropriation from the Fish Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Fish Fund.

HOUSE BILL No. 347:

An Act making an appropriation from the Banking Department Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State

Employees' Retirement System with respect to the State employees receiving compensation from the Banking Department Fund.

HOUSE BILL No. 378:

An Act making an appropriation to the Chief Clerk of the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940.

HOUSE BILL No. 1230:

An Act to further amend section one and to amend section three of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 730), entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties," by excluding certain juices and combinations of juices from the operation of the act; and requiring separate registration for each bottling or manufacturing plant.

HOUSE BILL No. 1330:

An Act making an appropriation from the State Stores Fund to the State Employees' Retirement Board, to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Stores Fund.

HOUSE BILL No. 1332:

An Act making an appropriation from the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund.

HOUSE BILL No. 1343:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

HOUSE BILL No. 1344:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

HOUSE BILL No. 1345:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Workmen's Insurance Fund.

HOUSE BILL No. 1463:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

HOUSE BILL No. 1331:

An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to

meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund.

HOUSE BILL No. 1470:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools, and classes through public school districts, and in cooperation with employment offices for the training, retraining, instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

HOUSE BILL No. 1493:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war; prohibiting the removal from their offices or employments or such officers and employees during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employees as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees, respectively, and providing for the compensation of such substitutes," by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employees under certain circumstances.

HOUSE BILL No. 1636:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government.

HOUSE BILL No. 1670:

An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits; and making such sections lawful sewers of such cities.

HOUSE BILL No. 1676:

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1518), entitled, as amended "An act regulating the construction, equipment, maintenance, operation and inspection of elevators; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing fees for inspection of elevators, certificates of operation, and approval of plans; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by defining and making further provision relative to the installation and use of "man lift" elevators.

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill, numbered and entitled as follows having been pre-

pared for presentation to the Governor, and the same being correct, the titles was publicly read as follows:

HOUSE BILL No. 849.

An Act to further amend the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointments of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties" further regulating the issuing to and revocation and suspension of licenses of weighmasters requiring the use of suitable scales regulating the issuing use and keeping of weighmaster's certificates conferring powers and imposing duties upon state city and county inspectors of weights and measures and the Department of Internal Affairs declaring certain proofs to constitute prima facie evidence of a violation of the act extending the provisions of said act to cases heretofore exempted and prescribing additional and increased penalties

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 717.

An Act relating to criminal procedure: providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 960.

An Act to amend sections one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof by further defining sausage making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers and duties on the Department of Agriculture.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ALLMOND asked and obtained permission for the Committee on Elections to meet during the session of the House.

CONGRESSMAN WELCOMED

The SPEAKER. The Chair welcomes to the House the Honorable J. William Ditter, Congressman from the Seventeenth Congressional District.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1467, entitled:

An Act to amend the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1132), entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspector of registration and other appointees of registration commission county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election

The first section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 3, lines 5 to 8, both inclusive, by striking out all of said lines, and inserting in lieu thereof: "(u) 'Persons in military service' shall mean qualified electors of this Commonwealth who are or may be by enlistment, enrollment or draft, in actual military or naval service of the United States or any branch or unit thereof, or in the military service of the Commonwealth."

The amendment was agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. CORDIER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 3 (section 19.1) page 6, line 8, by striking out the word "date" and inserting in lieu thereof the word: "data".

The amendment was agreed to.

The section was agreed to as amended.

The fifth section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 5, page 10, line 1 and 2, by striking out all of said lines.

Amend Sec. 5 (Sec. 29), page 10, line 3 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 5 (Sec. 29), page 11, lines 1 to 9, both inclusive, by striking out all of said lines.

The amendments were agreed to.

The section was agreed to as amended.

The sixth section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 6, page 11, line 10, by striking out the figure "6" and inserting in lieu thereof: "5".

The amendment was agreed to.

The section was agreed to as amended.

The seventh section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 7, page 12, line 26, by striking out the figure "7" and inserting in lieu thereof: "6".

The amendment was agreed to.

The section was agreed to as amended.

The eighth section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 8, page 13, line 9, by striking out the figure "8" and inserting in lieu thereof: "7".

The amendment was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 1468, entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 314), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers regis-

trars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election

The first section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 3), page 5, lines 28 and 29, by striking out all of said lines.

Amend Sec. 1 (Sec. 3), page 6, lines 1 and 2, by striking out all of said lines, and inserting in lieu thereof: "(u) 'Persons in military service' shall mean qualified electors of this Commonwealth who are or may be by enlistment, enrollment or draft, in actual military or naval service of the United States or any branch or unit thereof, or in the military service of the Commonwealth."

The amendments were agreed to.

The section was agreed to as amended.

The second, third and fourth sections were separately read and agreed to.

The fifth section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 5, page 12, lines 24 and 25, by striking out all of said lines.

Amend Sec. 5 (Sec. 29), page 12, lines 26 to 29, both inclusive, by striking out all of said lines.

Amend Sec. 5 (Sec. 29), page 13, lines 1 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 5 (Sec. 29), page 14, lines 1 to 3, both inclusive, by striking out all of said lines.

The amendments were agreed to.

The section was agreed to as amended.

The sixth section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 6, page 14, line 4, by striking out the figure "6" and inserting in lieu thereof: "5".

The amendment was agreed to.

The section was agreed to as amended.

The seventh section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 7, page 15, line 22, by striking out the figure "7" and inserting in lieu thereof: "6".

The amendment was agreed to.

The section was agreed to as amended.

The eighth section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 8, page 16, line 5, by striking out the figure "8" and inserting in lieu thereof: "7".

The amendment was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1469, entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

The first section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 3), page 6, lines 4 to 7, both inclusive, by striking out all of said lines, and inserting in lieu thereof. (u) "Persons in military service" shall mean qualified electors of this Commonwealth who are or may be by enlistment, enrollment or draft in actual military or naval service of the United States or any branch or unit thereof, or in the military service of the Commonwealth."

The amendment was agreed to.

The section was agreed to as amended.

The second, third and fourth sections were separately read and agreed to.

The fifth section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 5, page 12, lines 28 and 29, by striking out all of said lines.

Amend Sec. 5, page 13, lines 1 to 3, both inclusive, by striking out all of said lines.

Amend Sec. 5 (Sec. 29), page 13, lines 4 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 5 (Sec. 29), page 14, lines 1 to 10, both inclusive, by striking out all of said lines.

The amendments were agreed to.

The section was agreed to as amended.

The sixth section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 6, page 14, line 11, by striking out the figure "6" and inserting in lieu thereof: "5".

The amendment was agreed to.

The section was agreed to as amended.

The seventh section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 7, page 16, line 1, by striking out the figure "7" and inserting in lieu thereof: "6".

The amendment was agreed to.

The section was agreed to as amended.

The eighth section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 8, page 16, line 12, by striking out the figure "8" and inserting in lieu thereof: "7".

The amendment was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1838, entitled:

An Act making an appropriation to the Department of Highways for the purpose of making a survey of a certain State highway and conferring certain powers upon the Department of Highways.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1765, entitled:

An Act repealing and abandoning as a State highway State highway Routes 03123 and 03133 in Armstrong County and providing for the reversion thereof to the townships.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1237, entitled:

An Act to amend Route 64248 of section two of the act approved the first day of June one thousand nine hun-

dred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth."

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1051, entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by establishing additional routes in the City of Jeannette

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1827, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters and for the landscaping thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1826, entitled:

An Act to amend part of section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construc-

tion or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" changing a certain route in the City of Johnstown.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1483, entitled:

An Act to repeal the act approved the sixteenth day of January one thousand seven hundred and ninety-nine (3 Sm. L. P. 338), entitled "An act to declare Frankford Creek a public highway."

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1832, entitled:

An Act making an emergency appropriation to the Department of Highways for allocation to and distribution among boroughs and townships for the repair of certain roads and streets in Western Pennsylvania

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1777, (Senate Bill No. 174), entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions, and limitations of certain streets in cities of the second class, and second class A, and third class, as state highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities, and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases, and appropriating money in the Motor License Fund for the purposes of this act," by establishing additional routes in the City of Erie.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1791, (Senate Bill No. 724), entitled:

An Act to amend section four hundred one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" by providing for the length of the terms and the method of appointing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1721, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire a certain tract of land for the use of Pennsylvania Industrial School and making an appropriation therefor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1704, entitled:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1837, entitled:

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities en-

gaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1585, entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1770, entitled:

An Act to amend the title and to further amend section forty-three of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged

or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" by permitting the use of enclosed woodwork about sinks in all except tenement-houses and lodging-houses in cities of the second class second class A and third class.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1697, (Senate Bill No. 122), entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SAMUEL ROSE,

The House resumed the consideration on final passage of House Bill No. 1166, as follows:

An Act to amend section two of the act approved the twenty-sixth day of May one thousand nine hundred and twenty-one (P. L. 1172), entitled "A supplement

to the act approved the seventeenth day of May one thousand nine hundred seventeen (P. L. 208), entitled 'An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words "drug" and "poison" and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity' requiring permits to conduct pharmacies providing for the revocation thereof and prescribing penalties" further regulating the issuance of permits to conduct pharmacies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-sixth day of May one thousand nine hundred and twenty-one (P. L. 1172), entitled "A supplement to the act approved the seventeenth day of May one thousand nine hundred seventeen (P. L. 208), entitled 'An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words "drug" and "poison" and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity' requiring permits to conduct pharmacies providing for the revocation thereof and prescribing penalties" is hereby amended to read as follows

Section 2 Upon application on a form to be prescribed and furnished it and the payment of a fee of two dollars (\$2.00) the Pennsylvania Board of Pharmacy shall issue a permit to conduct a pharmacy to such persons associations copartnerships or corporations as the board deems qualified to conduct such business. Qualifications to conduct such business shall include such physical requirements as may be established by the board including stock equipment library sanitation adequate space and such other conditions as may be necessary to protect the public safety in the matter of drugs and prescriptions. All applicants shall be citizens of the United States. Provided however That in the case of copartnerships associations and corporations the members or office of such copartnership association or corporation shall be citizens of the United States. When the conditions which obtained when the permit was issued have changed then a new permit must be applied for. All permits issued under the provisions of this act shall be exposed in a conspicuous place in the pharmacy for which it was issued and shall expire on the first day of July following the date of issue. No permit shall be issued unless it appears to the satisfaction of the board that the management of the pharmacy is in the charge of a pharmacist registered under the provisions of the act to which this is a supplement. All permit fees collected under the provisions of this act shall be paid into the State Treasury.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

On the question,

Shall the bill pass finally?

Mr. SAMUEL ROSE. Mr. Speaker, when this bill was called up for a vote a week or so ago several of the Members voted against it, laboring under a misapprehension. This bill was sponsored by the State Board of Pharmacy and the Retail Druggists' Association, who were interested in granting to the State Board of Pharmacy the right to deny to organizations whose officers are not men of good repute, the right to obtain a license. It is a valid exercise of the police power and I feel that in this particular measure we are attempting to regulate something which is a profession. We are not dealing with an ordinary

business, and I believe and I feel that the Members of this House should go along on this, that in those instances where the State Board believes that associations whose members may not be men of good moral repute, applying for a license, the board should be entitled to judge upon that. I call upon every Member of the House to vote for this particular bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—111

Achterman,	Goodwin,	Mihm,	Sarraff,
Balthaser,	Gross,	Modell,	Scanlon,
Bentley,	Gryskewicz,	Moran,	Schwab,
Brunner, P. A.,	Habbyshaw,	Moul,	Shaffer,
Burns,	Haberlen,	Mulr,	Shaw,
Burris,	Harris,	Munley,	Skale,
Chervenak,	Heatherington,	Nunemacher,	Snyder,
Chudoff,	Hering,	O'Brien,	Stank,
Cohen, M. M.,	Hersch,	O'Connor,	Tarr,
Cohen R. E.,	Hirsch,	O'Dare,	Tate,
Cordier,	Jefferson,	O'Mullen,	Taylor,
Corrigan,	Jones, P. N.,	O'Neill,	Thompson E.,
Croop,	Keenan,	Owens,	Trout,
Cullen,	Kenehan,	Petrosky,	Turner,
DiGenova,	Kolankiewicz,	Pettit,	Van Allsburg,
Doion,	Komorowski,	Polaski,	Verona,
D'Ortona,	Lee, T. H.,	Polen,	Vincent,
Duffy,	Leonard,	Powers,	Voldow,
Early,	Lesko,	Prosen,	Weiss,
Finestone,	Levy,	Rank,	Welsh, E. B.,
Finnerty,	Longo,	Rausch,	Williams,
Fleming,	Lovett,	Readinger,	Wolf,
Fletcher,	Malloy,	Reese, D. P.,	Woodring,
Flynn,	Marks,	Reynolds,	Woodside,
French,	Maxwell,	Rooney,	Yester,
Gallagher,	McClanaghan,	Rose, S.,	Young,
Gates,	McDermott,	Rose, W. E.,	Kilroy, Speaker.
Gerard,	McFall,	Rosenfeld,	

NAYS—36

Auker,	Fiss,	Krise,	Reese, R. E.,
Baker,	Foor,	Lelsey,	Rhea,
Boorse,	Gillette,	Leydic,	Sorg,
Bower,	Greenwood,	McClester,	Stockham,
Breth,	Helm,	McKinney,	Thompson, R. L.,
Brunner, C. H.,	Imbrie,	McLanahan,	Watkins,
Cochran,	James,	McMillen,	Weingartner,
Dennison,	Kline,	McSurdy,	Wood L. H.,
Elder,	Knoble,	Mooney,	Wood N.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

BILL PASSED OVER

There being no objection House Bill No. 1195, Printer's No. 929 was passed over at the request of Mr. AUKER.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 814, entitled:

An Act regulating the payment of wages or compensation for labor or service in certain private employments establishing regular pay days imposing certain duties upon employes conferring powers and duties upon the Department of Labor and Industry imposing additional powers and duties on the Secretary of the Department of Labor and Industry for the civil collection of wages imposing civil and criminal penalties for the violation of the act and providing for their collection and disposition and repealing inconsistent legislation

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. PETROSKY. Mr. Speaker, I move that the vote by which this bill was agreed to on third reading be reconsidered.

Mr. McCLANAGHAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky, vote to transcribe the bill for a third reading?

Mr. PETROSKY. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. McClanaghan, vote to transcribe the bill for a third reading?

Mr. McCLANAGHAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. PETROSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 8, page 7, lines 7 to 22, by striking out the following: all of lines 7 to 21, both inclusive, and the letter "(c)" in line 22.

Amend Sec. 9, page 8, lines 16 to 24, both inclusive, by striking out all of said lines.

Amend Sec. 10, page 8, line 25, by striking out the figure "10" and inserting in lieu thereof: "8".

Amend Sec. 10, page 8, line 27, by inserting after the word "act" the following: "after notice by the Department of Labor and Industry."

Amend Sec. 10, page 9, line 10, by striking out the word "three" and inserting in lieu thereof: "one."

Amend Sec. 10, page 9, lines 11 and 12, by striking out the words "or by imprisonment of not less than ten nor more than ninety days."

Amend Sec. 11, page 10, line 5, by striking out the figure "11" and inserting in lieu thereof: "9".

Amend Sec. 12, page 10, line 24, by striking out the figure "12" and inserting in lieu thereof: "10".

Amend Sec. 13, page 12, line 8, by striking out the figure "13" and inserting in lieu thereof: "11".

Amend Sec. 14, page 12, line 21, by striking out the figure "14" and inserting in lieu thereof: "12".

Amend Sec. 15, page 12, line 26, by striking out the figure "15" and inserting in lieu thereof: "13".

Amend Sec. 16, page 12, line 28, by striking out the figure "16" and inserting in lieu thereof: "14".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objections? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1604, (Senate Bill No. 352), as follows:

An Act providing for the creation maintenance and operation of a county employees retirement system in counties of the fifth classes imposing certain charges on counties and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words and phrases as used in this act shall be construed to have the following meanings

"Board" the county retirement board created by this act

"County Employee" an officer or employee of the county whose salary or compensation is paid on a yearly or monthly basis and also any officer or employee regularly employed whose compensation is paid on a per diem basis

"Fund" the county employees retirement fund created by this act

"Accumulated Deductions" the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act and standing to the credit of the members' annuity reserve account together with the regular interest thereon

"Contributor" any person who has accumulated deductions in the fund created by this act standing to the credit of the members' annuity reserve account

"Beneficiary" any person in receipt of a retirement allowance under this act

"Prior Service" all service as a county employee served not later than December thirty-first preceding the year the retirement system shall be established in any county

"Original Member" a county employee who was at any time a member of the retirement system prior to January first of the year the retirement system is established in any county

"New Member" a county employee who shall have become a member of the retirement system subsequent to date the retirement system is established in any county

"Superannuation Retirement Age" as applied to a contributor means sixty years of age or upwards

"Final Salary" the average annual salary received by a contributor for the five years of service immediately preceding retirement or in the event a member has not served five years the total salary received divided by the number of years served

"Regular Interest" interest at the rate of three and one-half per centum compounded annually

"County Annuity" payments for life or during disability derived from contributions made by the county

"Member's Annuity" payments for life or during disability derived from contributions made by the contributor

"Retirement Allowance" the State annuity plus the member's annuity

Section 2 County Retirement System and County Retirement Board Created A retirement system may be established for county employees by resolution of the county commissioners in any county of the fifth class which system when established shall be administered by a county retirement board which shall consist of the chairman of the board of county commissioners or his representative who shall be its chairman the county controller or his representative and one county employee to be selected from time to time by the county employee for a term of two years Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board and that he will not

knowingly violate or permit to be violated any of the provisions of this act Such oath shall be subscribed by the member taking it and shall be filed among the records of the board The members of the board shall not receive any compensation for their services but shall be reimbursed for all expenses necessarily incurred in the performance of their duty

Two members of the board shall constitute a quorum

The retirement system herein provided for shall be established on the first day of January of the year succeeding the one in which the resolution of the county commissioners was adopted

Section 3 Personal Administrative Expenses The board may appoint and fix the compensation of an actuary The controller shall be the secretary of the board and shall receive such compensation for his services as may be fixed by the salary board The secretary shall keep a record of all of the proceedings of the board which shall be open to inspection by the public The expense of the administration of this act exclusive of the payment of retirement allowances shall be paid by the county by appropriations made on the basis of estimates submitted by the board

Section 4 Rules and Regulations Actuarial Data The board shall from time to time establish such rules and regulations for meetings of the board and for the administration of the county employees retirement fund created by this act and the various accounts thereof as may be deemed necessary It shall keep such data as shall be necessary for actuarial valuation purposes The actuary of the board shall periodically make an actuarial investigation into the mortality and service experience of the contributors to and beneficiaries of the fund and shall adopt for the retirement system one or more mortality tables and certify to the board annually the amount of appropriation to be made by the county to the fund to build up and maintain adequate reserves for the payment of the county's share of the retirement allowances provided by this act

Section 5 County Employees Retirement Fund There is hereby created in each county of the fifth class in which a retirement system has been established a county employees retirement fund which shall consist of all moneys arising from appropriations made by the county and from contributions made by the members of the county employees retirement system and all interest earned by the investments or moneys of the fund created by this act The moneys contributed by the county shall be credited to a county annuity reserve account and those contributed by the members shall be credited to a member's annuity reserve account and the interest earnings shall be apportioned to the member's and county annuity reserve accounts The actuary shall determine the present value of the liability on account of all county annuities payable to original members and the percentage of such liability which shall be contributed by the county each year over a period of fifteen years from the time the system is established until the accumulated reserve equals the present value of said liability All such contributions shall be credited to the county annuity reserve account The actuary shall also determine the amount which shall be contributed by the county into the fund periodically for credit to the county annuity reserve account on account of service of all new and original members subsequent to the time the retirement system is established

Each member of the retirement system shall be required to contribute to the fund such per centum of his salary as shall be computed by the actuary to be sufficient with regular interest to procure for him on superannuation retirement one one-hundred-twentieth (1-120) of his final salary for each year of service after December thirty-first preceding the year the retirement system is established which contributions shall be paid into the fund through payroll deductions in such manner as the board may require All contributions by members shall be credited to the member's annuity reserve account

Section 6 Custody of and Payments from Fund All moneys and securities in the fund created by this act shall be placed in the custody of the county treasurer for safekeeping and all payments from said fund on account of retirement allowances shall be made only on

requisition signed by the chairman and secretary of the board

Section 7 Management and Investment of Fund The members of the board shall be trustees of the fund created by this act and shall have exclusive management of said fund with full power to invest the moneys therein subject to the terms conditions limitations and restrictions imposed by law upon fiduciaries Subject to like terms conditions limitations and restrictions said trustees shall have power to hold purchase sell assign transfer or dispose of any of the securities and investments in said funds as well as the proceeds of said investments and of the moneys belonging to said fund

The board shall annually allow regular interest on the mean amount for the preceding year to the credit of each of the accounts created in accordance with the provisions of this act The amount so allowed shall be credited to each contributor's account

Section 8 Compulsory Membership Each county officer may and each county employe shall be required to become a member of the retirement system established under the provisions of this act at such date as may be specified in the resolution establishing the retirement system and thereafter when first becoming a county employe Those becoming members prior to January first of the year the retirement system is established shall be known as original members and those becoming members after said date as new members Provided however That if any person who becomes a county employe subsequent to January first of the year the retirement fund was established shall have been at any time theretofore a county employe he shall receive credit for the service prior to January first of the year the system was established and shall be known as an original member

Section 9 County Guarantee Annual Budgets The regular interest charges payable and the creation and maintenance of the necessary reserves for the payment of the county and members' annuities in accordance with this act are hereby made obligations of the county The board shall prepare and submit to the county commissioners on or before the first day of November of each year an itemized estimate of the amounts necessary to be appropriated by the county to complete the payment of the obligations of the county during the next fiscal year

Section 10 Service Allowance In computing the length of service of a contributor for retirement purposes full credit shall be given to each original member for each year of service rendered to the county prior to January first of the year the retirement system was established As soon as practicable the retirement board shall issue to each original member a certificate certifying the aggregate length of his service prior to January first of the year the retirement system was established Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board upon application of the member The time during which a member is absent from service without pay shall not be counted in computing the service of a contributor unless allowed by the county commissioners and approved by the board

Section 11 Super-annuation Retirement Allowance Any contributor who has reached super-annuation retirement age may retire for super-annuation by filing with the board a written statement duly signed by the contributor setting forth at what time he desires to be retired Said application shall retire said contributor at the time so specified

On retirement for super-annuation a beneficiary shall receive a retirement allowance which shall consist of (a) a member's annuity which shall be the actuarial equivalent of his accumulated deductions standing to his credit in the member's annuity reserve account and (b) a county annuity equal to one one-hundred-twentieth (1-120) of his final salary multiplied by each year of total service and in addition thereto in the case of an original member one one-hundred-twentieth (1-120) of his final salary multiplied by each year of prior service but the total county annuity shall never exceed fifty per centum of the final salary

Section 12 Options on Super-annuation Retirement At the time of his super-annuation retirement any beneficiary may elect to receive his retirement allowance payable

throughout life or if such retirement allowance shall amount to less than ten dollars per month he may elect to receive the full amount of the accumulated deductions standing to his individual credit in the member's annuity reserve account or he may in any event elect to receive the actuarial equivalent of his member's and county annuity in a lesser retirement allowance payable throughout life with provisions that

Option One If he die before receiving in payments the present value of his member's annuity and county annuity as it was at the time of his retirement the balance shall be paid to his legal representatives or to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement

Option Two Upon his death his member's annuity and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement

Option Three Upon his death one-half of his member's and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement

Section 13 Involuntary Retirement Allowances Should a contributor be discontinued from service not voluntarily after having completed ten years of total service but before reaching super-annuation retirement age he shall be paid as he may elect as follows (a) The full amount of the accumulated deductions standing to his credit in the members' annuity reserve account or (b) a member's annuity of equivalent actuarial value to his accumulated deductions standing to his credit in the members' annuity reserve account and in addition a county annuity having a value equal to the present value of a county annuity beginning at super-annuation retirement age as provided in this act with respect to county annuities for super-annuation retirement The same options shall be available to beneficiaries in case of involuntary retirement as provided herein in the case of super-annuation retirement

Section 14 Total Disability Retirement Allowance If a contributor after five years of service as a county employe is disabled while in service and is unable to continue as a county employe as shown by medical examination he shall be paid a retirement allowance of twenty-five per centum of his final salary which shall be payable one-third from the members' annuity reserve account and two-thirds from the county annuity reserve account

Section 15 Payment of Balances Where Disability Annuity Dies Should a person receiving a disability retirement allowance die before receiving a total allowance equal to the amount standing to his credit in the member's annuity reserve account at the time of retirement there shall be paid to his estate or beneficiary the difference between such credit and the total retirement allowance received

Section 16 Monthly Payments of Retirement Allowances The retirement allowances granted under the provisions of this act shall be paid in equal monthly installments and shall not be increased decreased revoked or repealed except as otherwise provided in this act All members annuities shall be payable from the members annuity reserve account and all county annuities from the county annuity reserve account

Section 17 Refunds in Case of Withdrawal or Death Where a contributor resigns from service or where a contributor has died then the amount standing to the credit of the contributor in the members' annuity reserve account shall be paid to him or his estate or to the person named in any beneficiary certificate filed by the contributor with the board When a contributor or a beneficiary has died and there shall be due to the estate of such contributor or beneficiary a sum less than one hundred dollars and letters testamentary or of administration have not been taken out on the estate of such contributor or beneficiary within six months of death the board may pay the amount due on the claim of the undertaker or to any

person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 18 Exemption from Taxation and Execution Etc The right to a member's annuity or a county annuity or to the return of contributions shall be exempt from any State or municipal tax and from levy sale garnishment attachment or any other process whatsoever and shall be unassignable

Section 19 Fraud Correction of Errors Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the retirement system herein established in any attempt to defraud such system shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars or suffer imprisonment not exceeding one year or both in the discretion of the court

Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or beneficiary receiving more or less than he would have been entitled to had the records been correct then on the discovery of such error the board shall correct such error and shall adjust the payments which shall be made to the contributor or annuitant in such manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid

Section 20 This act shall become effective on the first day of July one thousand nine hundred and forty-one

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Gallagher,	Malloy,	Rose, W. E.,
Allmond,	Gates,	Marks,	Rosenfeld,
Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Gillette,	McClester,	Sarraff,
Baughner,	Goodwin,	McDermott,	Scanlon,
Bentley,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Breth,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Harkins,	Mihm,	Stambaugh,
Burns,	Harmuth,	Modell,	Stank,
Burriss,	Harris,	Monks,	Stine,
Cadwalader,	Heatherington,	Mooney,	Stockham,
Chervenak,	Helm,	Moran,	Tarr,
Chudoff,	Hering,	Moul,	Tate,
Cochran,	Herman,	Muir,	Taylor,
Cohen, M. M.,	Hersch,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Nagel,	Thompson, R. L.,
Cook,	Hirsch,	Nunemacher,	Trout,
Cooper,	Holland,	O'Brien,	Turner,
Cordier,	Huntley,	O'Connor,	Van Allsburg,
Corrigan,	Imbrie,	O'Dare,	Verona,
Croop,	James,	O'Mullen,	Vincent,
Cullen,	Jefferson,	O'Neill,	Vogt,
Dalrymple,	Jones, G. E.,	Owens,	Voldow,
Dennison,	Jones, P. N.,	Petrosky,	Voorhees,
DiGenova,	Keenan,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	
Duffy,	Kolankiewicz,	Prosen,	
Early,	Komorowski,	Rank,	
Elder,	Krise,	Rausch,	
Elliot,	Lee, E. A.,	Readinger,	
Ely,	Lee, T. H.,	Reagan,	
Falkenstein,	Leisey,	Reese, D. P.,	
Finestone,	Leonard,	Reese, R. E.,	
Finnerty,	Lesko,	Regan,	
Fliss,	Levy,	Reynolds,	
Fleming,	Leydic,	Rhea,	
Fletcher,	Lichtenwalter,	Riley,	
Flynn,	Longo,	Rooney,	
For,	Lovett,	Rose, S.,	
French,	Lyons,		Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1798, as follows:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cities of the second class A in this Commonwealth the city council of such cities shall adopt an annual budget only in accordance with the procedure set forth in this act

The city council of said city shall first agree upon a tentative or proposed annual budget and shall thereupon authorize the clerk of said council to advertise in at least two newspapers of general circulation in such city a notice of the fact that such proposed or tentative budget shall be enacted finally twenty days after such advertisement Copies of such proposed budget shall be available for public inspection in the office of the city clerk of such city The said city council shall then fix a date between ten to fifteen days after such advertisement for a public hearing on said proposed budget at which hearing all interested taxpayers of such city may appear and state their positions and views relative to such budget On the date fixed by the advertisement aforesaid the said city council shall proceed with the consideration of the proposed budget ordinance and its adoption in any final form it may desire in accordance with the law governing the passage of such an ordinance

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Gallagher,	Malloy,	Rose, W. E.,
Allmond,	Gates,	Marks,	Rosenfeld,
Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Gillette,	McClester,	Sarraff,
Baughner,	Goodwin,	McDermott,	Scanlon,
Bentley,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Breth,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Harkins,	Mihm,	Stambaugh,
Burns,	Harmuth,	Modell,	Stank,
Burriss,	Harris,	Monks,	Stine,
Cadwalader,	Heatherington,	Mooney,	Stockham,
Chervenak,	Helm,	Moran,	Tarr,
Chudoff,	Hering,	Moul,	Tate,
Cochran,	Herman,	Muir,	Taylor,
Cohen, M. M.,	Hersch,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Nagel,	Thompson, R. L.,
Cook,	Hirsch,	Nunemacher,	Trout,
Cooper,	Holland,	O'Brien,	Turner,
Cordier,	Huntley,	O'Connor,	Van Allsburg,
Corrigan,	Imbrie,	O'Dare,	Verona,
Croop,	James,	O'Mullen,	Vincent,
Cullen,	Jefferson,	O'Neill,	Vogt,
Dalrymple,	Jones, G. E.,	Owens,	Voldow,
Dennison,	Jones, P. N.,	Petrosky,	Voorhees,
DiGenova,	Keenan,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,

D'Ortona,	Knoble,	Powers,	Welsh, E. B.,
Duffy,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Early,	Komorowski,	Rank,	Williams,
Elder,	Krise,	Rausch,	Winnor,
Elliott,	Lee, E. A.,	Readinger,	Wolf,
Ely,	Lee, T. H.,	Reagan,	Wood, L. H.,
Falkenstein,	Lelsey,	Reese, David P.,	Wood, N.,
Finestone,	Leonard,	Reese, R. E.,	Woodring,
Finnerty,	Lesko,	Regan,	Woodside,
Fiss,	Levy,	Reynolds,	Wright,
Fleming,	Leydic,	Rhea,	Yeakel,
Fletcher,	Lichtenwalter,	Riley,	Yester,
Flynn,	Longo,	Rooney,	Young,
Foor,	Lovett,	Rose, S.,	Kilroy, Speaker.
French,	Lyons,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1445, (Senate Bill No. 302), entitled:

An Act to further amend section one thousand four hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing the qualifications of certain children for exemption from compulsory attendance provisions

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. TROUT. I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TROUT. I would like to ask the gentleman from Monroe the purpose of recommitting this bill?

Mr. ACHTERMAN. Mr. Speaker, I believe that there may be some question, and there is some question relative to the application of this particular bill as it is now drawn in relation to our Child Labor Laws of Pennsylvania. The question is whether there is ample protection thrown around the children who would be affected by this particular bill. I realize that it has relation only to agricultural pursuits, but the question of the power that may be vested in the Superintendent of Public Instruction, the superintendent of schools in the county, the entire subject, we feel needs a bit further study and possibly as a result of that study further amendment. It is for that purpose that it is being sent back to the Committee on Education.

Mr. TROUT. Mr. Speaker, we are not objecting to sending this bill back under those conditions but we would like to give the House an opportunity of voting on this proposed legislation. It has been before the House session after session and the Members are all acquainted with the provisions. That is why we are asking for some legislation along this line, and I trust that the Committee on Education will carry out the suggestion made by the gentleman from Monroe.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON THIRD READING MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that all House Bills on the third reading calendar, in their numerical order be made special order of business immediately.

The motion was agreed to.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection House Bill No. 1558 Printer's No. 791 was passed over at the request of Mr. ACHTERMAN.

There being no objection House Bill No. 1002, Printer's No. 341, was passed over at the request of Mr. LEVY.

There being no objection House Bill No. 990, Printer's No. 275, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1709, as follows:

An Act to further amend the definition of "Liquid Fuels" contained in section two of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by excluding certain gasoline not used in internal combustion engines to propel vehicles on the public highways in the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The definition of "Liquid Fuels" contained in section two of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds

and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (P. L. 298) is hereby further amended to read as follows

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

* * * *

"Liquid Fuels" All distillates of and condensates from petroleum natural gas coal tar vegetables ferments and other oils including among others gasoline naphtha benzol benzine or alcohols which are ordinarily practically and commercially usable in internal combustion engines for the generation of power except kerosene fuel oil and gas oil Provided That petroleum naptha which distill by American Society of Testing Materials Method D 86-27 or United States Bureau of Mines Method 100.13 not more than nine (9) per centum at 176° F sold for any purpose other than use in internal combustion engines for the generation of power and which are not ordinarily practically and commercially usable in internal combustion engines are not included in the definition of "liquid fuels" Provided further That gasoline which distill by American Society of Testing Materials Method provides distillation ten (10) per centum evaporated at 158° F maximum fifty (50) per centum evaporated at 212° F maximum ninety (90) per centum evaporated at 257° F maximum the sum of ten (10) per centum and fifty (50) per centum evaporated temperatures of a minimum of 307° F and which with this distillation range the Reid Test vapor pressure at 100° F does not exceed seven pounds per square inch which meets the specifications of the United States Government "AN-VV-F-776 and 781" and which are not ordinarily practically and commercially usable in internal combustion engines to propel vehicles which use the public highways in this Commonwealth are not included in the definition of "liquid fuels" And provided further That kerosene fuel oil and gas oil used in internal combustion engines for the generation of power to propel vehicles of any kind or character which use the public highways in this Commonwealth shall be included within the definition of "liquid fuels"

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. FISS. Mr. Speaker, I would like to call to the attention of the Members of the House to House Bill 1709, a bill which in itself is simple and which simply means that all gasoline used by aeroplanes shall be exempt from tax. I think in the beginning possibly the reason for this bill is that many of the schools using gasoline, training schools and aeroplane service, are using gasoline and they should be exempt. Mr. Speaker, with that part of the bill and with that thought we agree, but why should every private aeroplane be exempt from the tax on gasoline, including our great commercial airlines? I ask the Members of the House whether this is not another slap in the face of the farmer? The farmers and those using domestic engines do not use the roads of the Commonwealth; neither do the aeroplanes, but they are supposed to pay the tax on every bit of gasoline they use. Of

course, this bill is unique in the sense that it defines the type or grade of gasoline they use, which could not be used by any farm implement, whether it be a tractor or an automobile. The fact of the matter is that farmers have been asking an exemption for this type of work for many years, the work only on their farms, and not their automobiles.

Mr. Speaker, here is a bill asking every private aeroplane, every commercial airline to be exempt from the tax, and it just gives the farmers of Pennsylvania another slap in the face. Why should aeroplanes be exempt from this tax, when every municipality that has an airport is in crying need of funds? If we need airports in many municipalities in the state of Pennsylvania then the proper thing to do would be not to exempt them from this tax but to place that money in a fund to keep up, build and maintain airports in every one of our municipalities.

The aviation program that we have in Pennsylvania is vitally necessary especially at a time like this. If it is a question strictly for national defense there is no question about the exemption. Otherwise, the program that seems to me to be the sensible thing is that they should not be exempt from the tax, but they should be taxed, and every bit of this tax money should be used to build and maintain airports throughout the Commonwealth. Then we would have a program that would really mean something to the people of the Commonwealth of Pennsylvania. Otherwise, a simple exemption from this tax for private airplanes and commercial airlines would get us nowhere, and the State would be losing revenue.

There is another bill that follows this that is somewhat similar and that bill, it seems to me, Mr. Speaker, is nearer right than this bill. It only asks that this tax be returned to second class counties. That is all right as far as it goes but why only second-class counties? If second-class counties need this tax to build airports, why should it not be included to take care of every municipality in the state that needs an airport?

For this reason, Mr. Speaker, and for a number of other reasons which I have given, I say that this bill is wrong and it should be defeated. There should be a program that will mean something to the people of this Commonwealth; it should be carried out over a period of time so that everyone of our localities wherever an airport is needed can build and maintain one. I know that you will agree with me that even in our larger cities of the Commonwealth it is hard to build an airport and maintain it. Then what are we going to do with the smaller municipalities? I recall one municipality very near to me where it is kept up by local subscription. The people are willing to help them. We need these airports and we need a program that will sponsor aviation in Pennsylvania, but let us get at it in the right way. This bill certainly does not answer the problem.

Mr. ACHTERMAN. Mr. Speaker, I am rather surprised at the opposition voiced by the gentleman from the other side, especially in view of the fact that the amount of revenue involved in the instant case is only in the neighborhood of \$80,000. I am speaking in relation to the biennium. In other words, it is not particularly harmful to any program that the Highway Department might have in mind, but the measure is of vast importance in the line of national defense.

May I point out to the gentleman that I doubt that there is any school of advanced education in the state of Pennsylvania where the students are not taking flying courses, taking them for the distinct purpose of securing knowledge of aviation with the thought later on of entering into the Naval or Army service or the Marines of the United States. These boys in the main are doing it on their own; they are spending their own money. The gentleman then wants to compare them with the operation of a gasoline engine on a farm. It is a question of whether you want to have your boys prepare themselves for national defense and pay a tax to do it or whether it should be compared with a gasoline engine on a farm. I have heard of ludicrous comparisons but none that by any stretch of the imagination could compare this with the operation of a gasoline engine on a farm and say it is similar. I am saying, Mr. Speaker, that the amount of revenue involved in the training of our boys, every need that this Commonwealth can conceive of in the present emergency, would show that this measure is one that is playing only a small part toward the needs of this Commonwealth and the needs of this Nation. Why penalize the boys who are desirous of going out to defend those particular farm engines which are now being operated? Why penalize youth in its great desire to help? Why insist that we should have the last ounce of blood? Why insist that this is breaking down something that means so little to the Commonwealth in revenue, but means so much to this Nation and to this State? If that is the answer of any gentleman in the House, let him proceed to vote so that we will know where he stands, whether he believes in national defense, whether he thinks it is wise that our youth be encouraged in this field. It will be interesting to watch the vote on that subject.

That is all that is before this House. True, a few aeroplane companies that are commercial in nature will benefit by it, but the little benefit they will get in comparison to what the public will get in the encouragement of our youth will more than offset the few pennies we are going to lose. It is for that reason that I urge not only the men on this side of the House but the men on the other side of the House to take this step forward in the cause of national defense, and perhaps even more than in the cause of national defense, in the cause of youth who are interested and anxious to play their part in national defense. We should not penalize them in that effort. We have not hesitated, and the Members on the other side have not hesitated to take off the tax on cigarettes. We passed the bill to take off the tax on cigarettes and this bill which is now before the House is merely to take the tax off gasoline. Is it wrong to take off the tax on gasoline when you take the tax off cigarettes, when they are going to school, getting their education, getting their training with the thought of subsequently of joining the Army or Navy or Marines? Mr. Speaker, I say that this measure is one that is timely and is needed.

Mr. TURNER. Mr. Speaker, I had not intended to say anything on this measure because I felt that the remarks of the gentleman from Snyder, Mr. Fiss, were so potent against this measure, but after listening to the appeal of the majority leader in which he waved the flag and brought in national defense and the students who are training, it seems to me we ought to get our feet solidly on the ground and not lose sight of the real issue. Cer-

tainly any of us would like to relieve any student who is taking a course in aviation from any burden that he might be put under by reason of any taxation. I doubt whether any students who are taking courses are burning up very much gasoline in the air or are paying for any gasoline to any extent. If you want to carry that to a logical conclusion let us exempt the gasoline that they put in their automobiles going back and forth. There are going to be thousands of our citizens in the next few months who are going to be engaged in Civilian Defense efforts under the new set-up of the Federal Government, and many of them will be burning up many gallons of gasoline in their free offer of service to the government in its hour of need. I think, therefore, Mr. Speaker, that the question pertaining to the student flyer is a very small question in view of the very large, and very broad questions involved in this issue.

In 1927 or 1929, I have forgotten which, I persuaded Governor Fisher to allow an appropriation of \$10,000 from the Motor License Fund for the purpose of establishing aviation facilities in Pennsylvania. I remember at that time it was freely predicted that there would be no flying east of the Allegheny Mountains because of the very bad conditions that existed over the Allegheny Mountains. I remember that I went on the first flight to the Coast by train and aeroplane. We took off from the Columbus airport as the first place they felt flying was feasible. Therefore, in 1927-29 we were interested in securing in Pennsylvania aviation facilities in order that Pennsylvania would not become a way station on future aviation lines, but that Pennsylvania would take its proper place. In 1929 we got a larger appropriation of about \$200,000. We did not think that the tax on the gasoline consumed in Pennsylvania by the aeroplanes that traversed Pennsylvania or stopped in Pennsylvania would reach \$200,000, but the Governor was a little optimistic and helped us out in order that we might develop aviation further in Pennsylvania.

With the advent of national defense and with the tremendous impetus in aviation because of the great flying program and because of the things that are going to happen after this war because of the development of aviation and air transportation, we must in Pennsylvania develop not only the facilities for national defense but we must look towards the future. Aviation gasoline and the tax paid on it should be used for those purposes; it should not be used on the highways, but it should be used for the purpose of aviation and the development of those facilities, and if we exempt them now in Pennsylvania we are not only taking out the student fliers who are using a small amount but we are taking out all of the transportation companies. Are we setting a precedent for the future when we are going to need this money? I am convinced that the municipalities of Pennsylvania or the municipalities of many other states cannot afford to develop airports and maintain flying fields of the size and importance required for the future. They must be airports of tremendous size. They must be airports with facilities greater than any small municipality can maintain. If we are going to develop them we must have a long range program in the state of Pennsylvania; there must be help from the Federal Government to develop proper aviation facilities and in order that we may build for the highways of the air the proper landing fields. Therefore, no matter what the immediate advan-

tage may be to a few, no matter how we may be imposing a tax on a few who are giving their efforts to defend our country, I think this bill should be defeated.

MR. BRETHERICK IN THE CHAIR.

Mr. FISS. Mr. Speaker, I just want to call to the attention of the Members of this House to the fact that the very first thing I mentioned was, if there was one thing that might be a good thing in this bill, it was that it might help some of the boys in the training schools in aviation. So I want to correct the gentleman from Monroe in saying that I made light of that fact.

I also want to say that I know of many boys who are working on farms today that are paying their way. If there is a line of defense that would come nearer to being the first line of defense today, it is agriculture and the boys back on the farm. Now you are going to say to them, "Oh, no, you are no good. We do not want anything to do with you." I venture to say that the gentleman from Monroe has many of these boys who are also actively engaged in defense work at the present time back home on their farms who will appreciate anything we can do for them.

That is not the question; the bill in itself does not take that in; it is not large enough. The program should be larger; we should have more airports in Pennsylvania; there should be a better and bigger program in aviation in Pennsylvania, and the little money that is spent for taxes on gasoline should not be exempted, but it should be put into a fund to help build and maintain more and better airports in the Commonwealth of Pennsylvania.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—54

Achterman,	Finnerty,	McIntosh,	Rosenfeld,
Balthaser,	Gryskewicz,	Melchiorre,	Scanlon,
Botes,	Herman,	Modell,	Schwab,
Breth,	Hersch,	Nunemacher	Stank,
Chudoff,	Hirsch,	O'Brien,	Stine,
Cohen, M. M.,	Jefferson,	O'Mullen,	Tate,
Cohen, R. E.,	Kenehan,	Petrosky,	Vogt,
Corrigan,	Kolaniewicz,	Polaski,	Voidow,
Dolon,	Komorowski,	Prosen,	Welsh, E. B.,
D'Ortona,	Longo,	Rank,	Wolf,
Duffy,	Lovett,	Rausch,	Woodring,
Early,	Malloy,	Readinger,	Kilroy,
Falkenstein,	McClanaghan,	Rooney,	Speaker.
Finestone,	McFall,	Rose, S.,	

NAYS—115

Allmond,	Gallagher,	Lesko,	Serrill,
Baker,	Cates,	Leydic,	Shaffer,
Bentley,	Gerard,	Lichtenwalter,	Simons,
Boorse,	Gillan,	Lyons,	Snyder,
Bradley,	Greenwood,	Marks,	Sollenberger,
Bretherick,	Gross,	Maxwell,	Sorg,
Brown,	Cyger,	McClester,	Stambaugh,
Brunner, C. H.,	Habbyshaw,	McDermott,	Stockham,
Burns,	Haines,	McKinney,	Tarr,
Burris,	Hall,	McLane,	Taylor,
Chervenak,	Hamilton,	McMillen,	Thompson, R. L.,
Cochran,	Harkins,	McSurdy,	Trout,
Cook,	Harmuth,	Mihm,	Turner,
Cooper,	Harris,	Mooney,	VanAllsburg,
Cordier,	Heatherington,	Moran,	Verona,
Cullen,	Helm,	Muir,	Vincent,
Dalrymple,	Hewitt,	Munley	Voorhees,
Dennison,	Holland,	O'Connor,	Watkins,
Dix,	Huntley,	O'Dare,	Weingartner,
Eckels,	Imbrie,	Pettit,	Weiss,

Elder,	James,	Powers,	Welsh, M. J.,
Elliott,	Jones, G. E.,	Reese, D. P.,	Williams,
Ely,	Keenan,	Reese, R. E.,	Wood, L. H.,
Fiss,	Knoble,	Reynolds,	Wood, N.,
Fleming,	Krise,	Rhea,	Woodside,
Fletcher,	Lee, E. A.,	Riley,	Yeakel,
Flynn,	Lee, T. H.,	Rose, W. E.,	Yester,
Foor,	Lelsey,	Sarraf,	Young,
French,	Leonard,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fails.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Delaware, Mr. Bretherick, in the Chair.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 970, as follows:

An Act to further amend section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149), as amended by the act approved the fifth day of June one thousand nine hundred thirty-seven (P. L. 1703), and to further amend section ten of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-nine (P. L. 634), entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" to provide for the making of separate reports on liquid fuels sold for aviation purposes and to further provide for the establishment of an Aviation Liquid Fuels Tax Fund and the return of said taxes to counties of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) as amended by the act approved the fifth day of June one thousand nine hundred thirty-seven (P. L. 1703), entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" is hereby amended to read as follows

Section 6 Distributor's Report and Payment of Tax

For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every distributor on or before the last day of each month to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of the liquid fuels used or delivered by him within this Commonwealth during the preceding month. Such report shall show the number of gallons of liquid fuels used or delivered within the Commonwealth during the period for which it is made and such further information as the department shall prescribe. Such report in the case of distributors selling liquid fuels in second class counties shall also indicate separately the number of gallons of liquid fuels sold or delivered for aviation purposes. The tax due on liquid fuels sold or delivered for aviation purposes shall be computed and paid separately in the same manner as the general liquid fuels tax and subject to the same rights of discounts. A distributor having more than one place of business within this Commonwealth shall combine in each report the use or delivery of liquid fuels at all such separate places of business.

Every distributor at the time of making every report required by this section shall compute and pay to the department the tax due to the Commonwealth on liquid fuels used or sold and delivered by him during the preceding month less a discount if the report is filed and the tax paid on time computed as follows: two per centum if such tax shall amount to fifty thousand dollars (\$50,000) or less; one and one-half per centum on tax in excess of fifty thousand dollars (\$50,000) and not exceeding seventy-five thousand dollars (\$75,000); one per centum on tax in excess of seventy-five thousand dollars (\$75,000) and not exceeding one hundred thousand dollars (\$100,000); and one-half of one per centum on tax in excess of one hundred thousand dollars (\$100,000). The amount of all taxes imposed under the provisions of this act for each month shall be due and payable on the last day of the next succeeding month and shall bear interest at the rate of one per centum per month or fractional part of a month from the date they are due and payable until paid.

If any distributor shall neglect or refuse to make any report and payment as herein required an additional ten per centum of the amount of the tax shall be added by the department and collected as hereinafter provided and in addition thereto the liquid fuels permit of such distributor may be suspended or revoked by the department.

Section 2 Section ten of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-nine (P. L. 634) is hereby amended to read as follows:

Section 10 Disposition and use of Tax (a) From and after the first day of June one thousand nine hundred forty-one all permanent taxes collected under the provisions of this act on liquid fuels sold in second class counties exclusively for use by airplanes and other aircraft for aviation purposes are hereby directed to be paid into a separate fund to be known as the Aviation Liquid Fuels Tax Fund. Such moneys paid into said fund are hereby specifically appropriated to second class counties to be used for the purpose of construction reconstruction maintenance operation and repair of airports maintained in whole or in part by said counties and for the payment of interest and sinking fund charges on bonds issued or used for airport purposes. The moneys so paid into the Aviation Liquid Fuels Tax Fund shall be distributed to said second class counties on the first day of June and of December of each year said payments to amount to the total permanent tax paid within said county for the previous six-month period. All moneys collected under the provisions of this act with the exception of moneys paid into the Aviation Liquid Fuels Tax Fund shall be disposed of as follows:

[(a)] (b) One-half cent per gallon of the permanent tax collected under the provisions of this act shall be paid into the Liquid Fuels Tax Fund of the State Treas-

ury and such moneys paid into said fund are hereby specifically appropriated for the purposes hereinafter set forth.

The moneys so paid into the Liquid Fuels Tax Fund except those that are refunded as hereinafter provided shall be paid to the respective counties of this Commonwealth on the first day of June and December of each year in the ratio that the average return made during the (3) preceding years to each county bears to the average amount returned to all counties for the three preceding years [Provided That the distribution of tax to the counties from the Liquid Fuels Tax Fund that is payable the first day of August one thousand nine hundred and thirty-one shall be made under the provisions of the acts of Assembly repealed by this act].

All moneys received by the counties hereunder except such funds as are hereby specifically appropriated to second class counties out of the Aviation Liquid Fuels Tax Fund to be used for the construction reconstruction maintenance operation and repair of airports in said counties shall be used only for the purpose of construction reconstruction maintenance and repair of roads highways and bridges including the payment of property damage now due or hereafter to become due occasioned by [or] the relocation or construction of highways and bridges and for the payment of interest and sinking fund charges on bonds issued or used for highways and bridge purposes or on so much of any bonds as have been used for such purposes and all such payments heretofore made are hereby validated. The county commissioners of each county shall make to the department on or before the first day of May and November of each year on forms prescribed prepared and furnished by the department a report showing the receipts and expenditures of such moneys received during the preceding six months by the county from the Commonwealth under the provisions of this section. Such reports shall be transmitted to the Department of the Auditor General for audit. Upon the failure of the county commissioners to file any such report the department shall withhold further payments to the county out of the Liquid Fuels Tax Fund until the delinquent report is filed.

[(b)] (c) The remaining two and one-half cents per gallon of the permanent tax collected under the provisions of this act all penalties and interests and all interest earned on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund and are hereby specifically appropriated for the same purposes for which moneys in the Motor License Fund are appropriated by law.

[(c)] (d) The entire amount of the additional emergency tax of one cent per gallon or fractional part thereof collected under the provisions of this act before June first one thousand nine hundred thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes is hereby appropriated and all such tax paid into the State Treasury on and after June first one thousand nine hundred thirty-six shall be credited to the General Fund.

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed.

Section 4 This act shall become effective the first day of June one thousand nine hundred forty-one.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—78

Allmond,	Fleming,	Leonard,	Rosenfeld,
Auker,	Fletcher,	Leydie,	Sarraf,
Baker,	Flynn,	Longo,	Scanlon,
Baughner,	French,	Lovett,	Schwab,

Bentley,	Gallagher,	McClanaghan,	Shaffer,
Boles,	Gerard,	McDermott,	Shaw,
Bower,	Goodwin,	McFall,	Tarr,
Bradley,	Gryskewicz,	McLane,	Tate,
Breth,	Harmuth,	Melchiorre,	Thompson, R. L.,
Bretherick,	Heatherington,	Mooney,	Verona,
Brown,	Herman,	Moran,	Vogt,
Burns,	Hersch,	Munley,	'oldow,
Burris,	Holland,	O'Brien,	Welsh, E. B.,
Chudoff,	Jefferson,	O'Mullen,	Welsh, M. J.,
Cohen, M. M.,	Jones, P. N.,	O'Neill,	Williams,
Cooper,	Keenan,	Pettit,	Yester,
Corrigan,	Kenehan,	Polaski,	Young,
DiGenova,	Knoble,	Polen,	Kilroy,
D'Ortona,	Kolankiewicz,	Reynolds,	Speaker.
Fiss,	Komorowski,	Rhea,	

NAYS—78

Achterman,	Habbyshaw,	McKinney,	Snyder,
Balthaser,	Haines,	McLanahan,	Sorg,
Boorse,	Hall,	McMillen,	Stambaugh,
Brunner, C. H.,	Hamilton,	McSurdy,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stockham,
Chervenak,	Helm,	Muir,	Taylor,
Cochran,	Hewitt,	Nunemacher,	Trout,
Cohen, R. E.,	Hirsch,	O'Connor,	Turner,
Croop,	Imbrie,	O'Dare,	Van Allsburg,
Dalrymple,	James,	Petrosky,	Vincent,
Dennison,	Kilne,	Powers,	Watkins,
Dix,	Krise,	Readinger,	Weingartner,
Eckels,	Lee, E. A.,	Reagan,	Weiss,
Ely,	Lee, T. H.,	Reese, D. P.,	Winner,
Foor,	Lelsey,	Reese, R. E.,	Wolf,
Gates,	Lichtenwalter,	Riley,	Wood, L. H.,
Gillan,	Lyons,	Rose, W. E.,	Wood, N.,
Gillette,	Marks,	Royer,	Woodside,
Groes,	Maxwell,	Serrill,	Yeakel,
Gyger,	McClester,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative, and the bill falls.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 573

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 16, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 573, Printer's No. 708, entitled, "An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one," except as to the following items and subject to the following comments:

GENERAL COMMENT

There are in this bill certain increases and decreases from the recommendations in my budget which are capricious and unreasonable. These were all made by the House of Representatives which is in the control of a partisan leadership who has been obstructive and completely non-cooperative, and who would risk wrecking the State Government in trying to gain what it considers to be political advantage.

Ordinarily differences of opinion between Senate and House are ironed out in conference committee. If the House were not dominated by factional interests such procedure could be used with reference to this bill.

However, because of the attitude of the House majority, any changes in the bill by the Senate would only have resulted in the same kind of deadlock which is delaying other vital legislation. Therefore, the Senate has passed the bill, objectionable as some of its provisions are, in the same form as it was received from the House, and has left it to the Governor's Constitutional power to correct such conditions as it can. Had this not been done, there is no telling how long the State Government would have been deprived of funds with which to operate.

DEPARTMENT OF THE AUDITOR GENERAL

The item which provides as follows:

"For the payment of salaries wages and other compensation of a deputy Auditor General and other employees for the payment of general expenses for the payment of rentals of patented leased office devices for the purchase of automobiles furniture furnishings and equipment and for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the department the sum of one million six hundred twenty-nine thousand seven hundred fifty-nine dollars (\$1,629,759)."

I approved this item in the amount of one million two hundred three thousand five hundred dollars (\$1,203,500). This amount is seventeen (17) per cent less than the amount I recommended in my budget. This percentage reduction is the same as was made by the House Appropriations Committee in the appropriation which I recommended to the Department of Commerce. The Department of Commerce has been playing an outstanding part in Pennsylvania's contribution to National Defense, and if the House of Representatives believes the Department of Commerce can operate as effectively on seventeen (17) per cent less than I recommended, then surely the Department of the Auditor General which has no direct part to play in National Defense can operate with the same reduction from my recommendation.

TREASURY DEPARTMENT

The item which provides as follows:

"For the payment of salaries wages or other compensation of a deputy State Treasurer and other employees for the payment of general expenses for the purchase of insurance covering the loss of any or all cash and securities of which the Treasury Department or State Treasurer is custodian and covering forgeries of all kinds on checks drafts warrants and requisitions for the payment of rentals of patented lease office devices and for the purchase of automobiles furniture furnishings and equipment for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the department the sum of nine hundred fourteen thousand dollars (\$914,000)."

I approved this item in the amount of five hundred thirty-nine thousand five hundred dollars (\$539,500). The percentage of reduction below my budget recommendations and the reasons therefor are the same as for the reduction in the appropriation to the Auditor General. The State Treasurer has no defense activities and no increase activities of any nature. Yet the Democratic majority in the House boosted his appropriation 40% over what it was in the previous biennium while at the same time cutting some departments with heavy defense duties, such as the Department of Commerce, as much as 17%. This serves to indicate the absurdity of the so-called Democratic budget.

I feel it necessary to point out that the party leadership which controls the House of Representatives also

controls the Department of the Auditor General and the Treasury Department. The only increases in departmental appropriations approved by the House were for these two departments. Since there have been no increases in the duties of these departments, it would appear that the party leadership expects these departments to be less efficient; or, if this is not the reason, then the intention can only have been to grab more jobs.

The item which provides as follows:

"For the payment of salaries wages or other compensation to employes and for the payment of general expenses necessary for the proper conduct of the Treasury Department's functions relating to payments from the Unemployment Compensation Fund and the Administration Fund the amounts charged against the Administration Fund by the Treasury Department and paid into the General Fund are hereby specifically appropriated to the Treasury Department out of the General Fund."

I withhold my approval from this item. There is no reason why the present arrangement under which the Treasury costs of disbursing the Unemployment Compensation Fund are paid from the Administration Fund should not continue.

DEPARTMENT OF AGRICULTURE

The item which provides as follows:

"For the payment of salaries wages or other compensation of employes and for the payment of all other expenses necessary for carrying out the provisions of the 'soil Conservation Districts Law' the sum of fifty-seven thousand five hundred dollars (\$57,500)."

I approve this item in the amount of \$10,000. The experience in the operation of the Soil Conservation Districts law for which the appropriation was never more than \$10,000 shows that this amount is ample.

The item which provides as follows:

"For the payment of indemnities for and payment of expenses of testing animals appraised and destroyed to prevent the spread of dangerous contagious and infectious diseases as provided by law the sum of three million dollars (\$3,000,000)."

I approve this item in the amount of \$1,400,000.00. The appropriation of \$1,400,000 for the biennium of 1939-1941 enabled the Bureau of Animal Industry to test 1,122,190 cattle and certify 17 counties as modified and accredited areas, as against 860,840 cattle with 3 accredited counties for the biennium of 1937-1939. The amount of \$3,000,000 would require doubling of our force of veterinarians, increased laboratory facilities, and additional Federal support, all of which are impossible during this period of defense preparations.

DEPARTMENT OF COMMERCE

The item which provides as follows:

"For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses advertising supplies printing and equipment necessary for the proper conduct of the work of the department including the work of the department with respect to collecting press information and distributing it to the several administrative departments boards and commissions and to legislative offices and legislative agencies the sum of two hundred thirty thousand dollars (\$230,000) and in addition thereto any amount appropriated to the department out of the Motor License Fund which shall be credited to the appropriation made by this paragraph and shall be available for the purposes herein enumerated."

I approve in the full amount with the comment that this amount represents a seventeen (17) per cent reduction by the House of Representatives below the amount I recommended in the budget. Our National Defense effort being largely one of production and manufacture, this department has been in position to render invaluable service both to the Commonwealth and to the Nation. It is to be regretted that fair financial provision for its activities was denied the Department by the majority leaders in the House.

DEPARTMENT OF HEALTH

The item which provides as follows:

"For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the Sanitary Water Board the Advisory Health Board and other boards the sum of two million nine hundred forty-seven thousand dollars (\$2,947,000) and in addition to said amount all contributions received by the department from private sources for the express use of the department in public health work shall be paid into the General Fund and credited to this appropriation."

I approve in the full amount with the comment that this is a reduction by the House of Representatives of \$147,000 below the amount recommended in my budget. The Department of Health is another department which is closely concerned with National Defense not only in general health activities as a result of military concentrations in the State but also in the furnishing of birth certificates to persons desiring to prove citizenship to gain employment in Defense industries. The work of the department in this latter respect alone is five and a half times what it was before the Nation began to re-arm. My budget recommendation was carefully studied. How the department is to operate with the reduction made by the House has not been pointed out by the House.

DEPARTMENT OF LABOR AND INDUSTRY

The item which provides as follows:

"For the payment of salaries wages or other compensation of the members of the Workmen's Compensation Board Workmen's Compensation Referees Pennsylvania Labor Relations Board and members of the Industrial Board a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the Workmen's Compensation Board the Workmen's Compensation Referees Pennsylvania Labor Relations Board and the Industrial Board and for compensation and expenses of wage boards the sum of two million four hundred twenty-five thousand dollars (\$2,425,000)."

I approve in the full amount. This is \$175,000 less than I recommended for this department. Here is another instance of deliberate obstructive shortsightedness on the part of the majority party in the House. The work of this Department as a result of the expansion in industry in the State has increased in every function. It is hard to realize that the House majority, who claim to be such friends of Labor, would make any reduction in this appropriation.

DEPARTMENT OF PUBLIC INSTRUCTION

The item which provides as follows:

"For the payment of salaries wages or other compensation of a deputy members and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Department of Public Instruction with respect to professional education and licensure and the professional

examining boards and advisory committees within the department the sum of five hundred thousand dollars (\$500,000) Provided That no part of this appropriation shall be expended for any purpose other than the work of the department with respect to the certification of teachers professional education and licensure and the professional examining boards and advisory committees within the department"

I approve in the full amount. My budget recommendation provided for an increase of \$100,000 in the appropriation for this work after study convinced me that past appropriations were not sufficient. In the absence of explanation, the reduction made by the House of Representatives seems arbitrary and unreasonable.

The item which provides as follows:

"For the payment of salaries wages or other compensation of a secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Pennsylvania Historical Commission and for the purchase of archaeological collections and maintenance of historical monuments sites buildings and markers as provided by law and as authorized and approved by the Superintendent of Public Instruction the sum of one hundred fifty thousand dollars (\$150,000)."

I approve in the full amount. The majority leaders in the House reduced this appropriation \$50,000, a 25% reduction below my recommendations. This will not be sufficient to maintain properly all the parks and monuments under the supervision of the Historical Commission which the General Assembly has had the State acquire.

The item which provides as follows:

"For reimbursing fourth class school districts upon the increase in the salaries of teachers of elementary schools of such districts in accordance with law the sum of three million two hundred thousand dollars (\$3,200,000)."

I approve in the amount of two million, four hundred thousand dollars (2,400,000) which is estimated by the Department of Public Instruction to be sufficient not only under present legislation but under any legislation pending before either branch of the General Assembly.

PUBLIC UTILITY COMMISSION

The item which provides as follows:

"For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the commission the sum of one million seven hundred fifty thousand dollars (\$1,750,000)."

I approve in the full amount. This is a reduction of \$100,000 below my recommendation. I recommended an appropriation of \$1,850,000. During the last biennium of the Democratic administration, 1937-1939, that appropriation amounted to \$2,900,000. My recommendation was \$1,050,000 below that amount. Still the Democratic majority in the House saw fit to cut it \$100,000. The amount the Democratic majority now believes sufficient for the Commission is \$1,150,000 less than the Commission had in the Earle Administration. If the Democratic majority is right now the question which arises in anyone's mind is what was done with the extra \$1,150,000 back in the Democratic Administration.

DEPARTMENT OF REVENUE

The item which provides as follows:

For the payment of salaries wages or other compensa-

tion of a deputy secretary and other employes for the payment of general expenses rentals equipment and other expenses incidental to the collection of inheritance and estate taxes and mercantile license taxes supplies printing and equipment necessary for the proper conduct of the work of the department for the payment of cost of filing liens for the purchase of tax stamps and for the payment of costs of advertising required by any act of Assembly in connection with the escheat of moneys and property to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of three million forty-five thousand dollars (\$3,045,000) Provided however That to the extent to which appropriations have been made to the department out of special funds for any of the foregoing purposes this appropriation shall not be used for such purposes."

I approve in the full amount. The House majority has been making a great ado about an increased estimate of revenue. Yet they give the Department of Revenue (7) per cent less appropriation with which to collect these revenues they expect to be greatly enlarged.

DEPARTMENT OF STATE

The item which provides as follows:

"For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for proof-reading the Pamphlet Laws the sum of one hundred sixty-two thousand dollars (\$162,000)"

I approve in the full amount. The reduction made by the House of Representatives brings this appropriation to four thousand dollars (\$4,000) less than it was during the current biennium, although the department is still cleaning up the undone work of the past administration.

The item which provides as follows:

"For the payment of salaries wages or other compensation of commissioners and other employes and for the payment of printing and other expenses of the department in taking the vote of citizens of the Commonwealth who are in the active Military Service of the United States the sum of one hundred thousand dollars (\$100,000)."

I approve this item in the full amount with the warning that the arbitrary reduction made by the House may result in the disfranchisement of some of our citizens who have been called out of the State into Federal military services. The Department of State informs me that the amount of this appropriation as it stands is woefully insufficient under present law or any bill pending before the General Assembly. This amount should be supplemented in another bill.

DEPARTMENT OF WELFARE

The item which provides as follows:

"For the payment of salaries wages or other compensation of the superintendents of wardens and other employes for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses for the payment of gratuities clothing and parole expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Pennsylvania Industrial School at Huntingdon the Pennsylvania Training School at Morganza the State Industrial Home for Women at Muncy the Eastern Penitentiary at Philadelphia and Graterford the Western State Penitentiary at Pittsburgh the State Penitentiary at Rockview and any other institution hereafter established for the custody of prisoners as may be authorized and ap-

proved by the Secretary of Welfare the sum of seven million five hundred thousand dollars (\$7,500,000)."

I approve in the full amount. My recommendation was based upon current operating costs. These costs will undoubtedly increase during the next two years. Yet the House majority has made an arbitrary reduction of \$100,000.

The item which provides as follows:

"For the payment of salaries wages or other compensation of the Superintendent and other employes for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Allentown State Hospital at Allentown the Danville State Hospital at Danville the Farview State Hospital at Farview the Harrisburg State Hospital at Harrisburg the Norristown State Hospital at Norristown the Torrance State Hospital at Torrance the Warren State Hospital at Warren the Philadelphia State Hospital at Philadelphia State Hospital at Philadelphia the Wernersville State Hospital at Wernersville and any other institution established for the care and treatment of the insane as may be authorized and approved by the Secretary of Welfare the sum of twenty-two million eight hundred fifty thousand dollars (\$22,850,000)."

I approve in the amount of seventeen million dollars (\$17,000,000). I withhold my approval from the remainder of this appropriation which was ostensibly added to provide for the county institutions which the inaction of the House requires the State to take over. If the House insists upon its stand in this instance, it must provide additional revenue to meet the added appropriation.

The item which provides as follows:

"For the payment of salaries wages or other compensation of the superintendents and other employes for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to lands for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Laurelton State Village at Laurelton the Pennhurst State School at Pennhurst the Polk State School at Polk the Selinsgrove State Colony for Epileptics at Selinsgrove and any other institution established for the care and treatment of mental defectives and epileptics as authorized and approved by the Secretary of Welfare the sum of three million eight hundred fifty thousand dollars (\$3,850,000)."

I approve this item in the full amount with the same comment as I made under the first paragraph of the Department of Welfare.

The item which provides as follows:

"For the payment of salaries wages or other compensation of the superintendents and other employes for the payment of general expenses supplies and printing for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Connelville State Hospital at Connelville the Hazleton State Hospital at Hazleton the Locust Mountain State Hospital at Shenandoah the Nanticoke State Hospital at Nanticoke the Philipsburg State Hospital at Philipsburg the Scranton

State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of two million nine hundred thousand dollars (\$2,900,000)."

I approve this item in the full amount with the same comment as I made under the first paragraph of the Department of Welfare.

LEGISLATIVE DEPARTMENT TO THE SENATE

The items which read as follows:

"For the payment of the salary of the clerks to the majority and minority floor leaders respectively of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of nine thousand six hundred dollars (\$9,600)

"For the payment of the salary of the pages for the majority and minority floor leaders respectively of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand eight hundred eighty dollars (\$2,880)

"For the payment of contingent expenses of the majority floor leader of the Senate including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

"For the payment of contingent expenses of the minority floor leader of the Senate including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)"

I withhold approval from these four items. All of these are new items—the State has never before paid these costs.

TO THE HOUSE OF REPRESENTATIVES

The items which provide as follows:

"For the payment of the salary of the clerks to the majority and minority floor leaders respectively of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of nine thousand six hundred dollars (\$9,600)

"For the payment of the salary of the pages for the majority and minority floor leaders respectively of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand eight hundred eighty dollars (\$2,880)

"For the payment of contingent expenses of the majority floor leader of the House of Representatives including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

"For the payment of contingent expenses of the minority floor leader of the House of Representatives including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)."

I withhold approval from these four items. All of these are new items—the State has never before paid these costs.

The items which provide as follows:

"For the payment of necessary expenses including extra labor in the office of the chief clerk and library for the year beginning June first one thousand nine hundred and forty-one the sum of twenty-two thousand six hundred dollars (\$22,600) and for the six months beginning June first one thousand nine hundred and

forty-two the sum of ten thousand nine hundred dollars (\$10,900)."

I approve the item for the year beginning June first, one thousand nine hundred and forty-one, in the amount of nineteen thousand dollars (\$19,000), and the item for the six months beginning June first, one thousand nine hundred and forty-two, in the amount of nine thousand one hundred dollars (\$9,100).

JOINT STATE GOVERNMENT COMMISSION

The item which provides as follows:

"For the payment of wages and other compensation of the employees and for the payment of general expenses necessary for the proper conduct of the work of the Joint State Government Commission the sum of one hundred and fifty thousand dollars (\$150,000) to be paid on warrants of the Auditor General in favor of the chairman of said commission on the presentation of his requisition for the same. The chairman shall file an accounting of said expenses with the Auditor General."

I withhold approval from this item in its entirety. Legislation now pending before the General Assembly contemplates fundamental changes in the powers and setup of the Commission. Consideration of an appropriation should in my judgment await determination of this legislation.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the communication from the Governor be laid on the table.

The motion was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, Governor James is deliberately violating the laws of this Commonwealth.

By his action in cutting the appropriation made by the General Assembly for the operation of the former county mental institutions, the Governor is openly, frankly, and maliciously thumbing his nose at the Legislature, at the people who elected the legislators to office and, what is even more contemptible, at the mentally sick who cannot defend themselves against this dastardly action.

Governor James has violated his oath of office to obey the laws of the Commonwealth. His guilt is open and self-confessed. In his political spleen and warped conception of high office he is using as a shield against political opponents the helpless bodies of these unfortunates who are the wards of the State.

This contemptible action can but fill every decent person in this Commonwealth with disgust and disdain. But the Governor cannot evade his responsibility and the mental hospitals are in the hands of the State. If he deliberately refuses to provide for their maintenance he will subject himself and his Administration to the severe penalties which await any elected official guilty of violation of the law and his sworn duty.

The Governor is no longer the repository of public confidence. The people of Pennsylvania repudiated him and his party last fall. Their vote for the members of this House illustrates the esteem in which they hold

this politician who has disgraced the high office to which he was elected in 1938.

We, in the General Assembly, now speak for the people. And until a new Legislature is elected in 1942, we shall continue to speak for them.

Governor James has won a Pyrrhic victory at the expense of the mental sick. But he has lost his war. We will never agree to this program of postponement which he is trying by blackmail and political pressure back home to jam down our throats.

The Governor is defying the Legislature and the whole State. His defiance makes good reading, but he is impotent to back up his action. He is defeated soundly. This last act is the final gesture in his financial comedy on which the people rang down the curtain last November.

By his act tonight, the Governor has made even more difficult bringing order out of the chaos into which his financial blundering and fiscal stupidity have plunged the State.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 727

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 727, Printer's No. 821, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. REAGAN. Mr. Speaker, I move that the bill together with the communication from the Governor be laid on the table.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. MUNLEY, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1613, entitled:

An Act authorizing counties, cities, boroughs, towns, townships, school districts and county institution districts to install a system for the collection and payment of current taxes by the purchase at any time during the fiscal year of tax payment certificates by the taxpayers.

Mr. JAMES, from the Committee on Highways, reported as committed, House Bill No. 1825, entitled:

An Act establishing a certain section of public road as a State highway; and providing for its construction and maintenance at the expense of the Commonwealth.

Mr. CULLEN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1178, entitled:

An Act providing that the compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election.

Mr. PRESLEY N. JONES, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1629, entitled:

An Act to further amend sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286), entitled, as amended, "An act empowering cities, boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the authorization of indebtedness and interest thereon," taking away the power to enter into contracts with private corporations for the furnishing of sewer or sewage treatment services, and the imposition and collection of rentals or charges and the entry of liens in connection therewith.

Mr. CORDIER, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1503, entitled:

An Act to amend section six of the act approved the _____ day of _____, one thousand nine hundred and forty-one, (Act No. _____), entitled "An act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class, on unpaid delinquent school taxes in school districts of the first class, and on unpaid delinquent poll, poor district, institution district and county taxes in counties of the second class; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens, and providing for the extension thereof," authorizing the sale of real property within the prohibited time for such sales, upon consent of the owner thereof.

Mr. MARKS, from the Committee on Public Utilities, reported as committed, House Bill No. 1700, (Senate Bill No. 789), entitled:

An Act to amend section eleven of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employees, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by ex-

pressly providing for administration of the Public Utility Law of June first, one thousand nine hundred and thirty-seven (P. L. 1053), by the Public Utility Commission; and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health.

Mr. GERARD, from the Committee on Rules, reported as committed, House Resolution No. 95.

Mr. LOVETT, from the Committee on Rules, reported as committed, House Resolution No. 101.

Mr. DALRYMPLE, from the Committee on Elections, reported as amended, House Bill No. 1577, (Senate Bill No. 561), entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by amplifying and changing the powers and duties of the commission its employees and commissioners further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon providing for appeals by the commission to appellate courts changing certain provisions of said act relating to removal notices providing for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties.

PUBLIC HEARING

A Public Hearing on House Bill No. 1626 will be held before the Committee on Cities-First Class on June 17, at 10:30 a. m., E.S.T., in Room 521.

ADJOURNMENT

Mr. NUNEMACHER. Mr. Speaker, I move that this House do now adjourn until Tuesday, June 17, at 12 m.

The motion was agreed to, and (at 11:18 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., TUESDAY, JUNE 17, 1941.

No. 73.

SENATE

TUESDAY, June 17, 1941.

The Senate met at 1:30 o'clock, p. m. E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the gentleman from Butler, Mr. CARR, offered prayer.

Our Father and Our God, we realize that our hearts and our minds and our thoughts are open unto Thee and that Thou knowest them all ere we express our thoughts. We would ask that Thy Holy Spirit may so guide and control our thinking that all our actions might be in accordance with Thy will for us.

Wilt Thou bless the people of this world and guide them out of their confusion and into sanity, that all things might redound to Thy honor and glory. We ask it in Thy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. THOMAS and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Edmonds asked and obtained leave of absence for the Senator from Philadelphia, Dr. WOODWARD, on account of ill health.

Mr. Cavalcante asked and obtained leave of absence for the Senator from Washington, Mr. REED.

Mr. FREY asked and obtained leave of absence for himself for Wednesday, June 18th.

Mr. DiSILVESTRO asked and obtained leave of absence for himself for Wednesday, June 18th.

Mr. MUNDY asked and obtained leave of absence for himself for Wednesday, June 18th.

QUESTION OF PERSONAL PRIVILEGE

Mr. CARR. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Butler will state his question of personal privilege.

Mr. CARR. Mr. President, out in our county there is

a little community which was founded by the Germans from Saxony and it is called Saxonburg. It was in that little town that the first wire rope was made by the Roeblings, who later became contractors for the great Brooklyn Bridge.

That little community has another product of quite a different nature which is quite famous in our county, which is called the Saxonburg bologna, I understand there is a community nearby that is noted for the same kind of a product, and a certain group of ladies who are customarily present have imposed upon me the duty of requesting for them, from the President of the Senate, leave of absence for Sam Lewis' Ladies Auxiliary that they might go out to Lebanon, to Senator Becker's home, and enjoy better bologna out there than they get in the Senate.

The PRESIDENT. I think the Senator from Butler, Mr. Carr, ought to let us have a sample of the bologna from his district. Up until the Chair receives that, he must agree with the Senator from Lebanon, Mr. Becker, that the Lebanon bologna is the best. The Chair said "best," not "better."

Mr. BECKER. Mr. President, the Senator from Butler is entirely correct in everything he says except that in addition to Lebanon bologna there are also Lebanon pretzels and Lebanon beer.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 17, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 17, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Samuel Avins, Pittsburgh, 1221 Park Bldg.
John P. Hurley, Jr., Pittsburgh, 435 Sixth Avenue.

LACKAWANNA COUNTY

Stephen K. Fellows, Scranton.

LAWRENCE COUNTY

Gilbert D. Levine, New Castle.

LUZERNE COUNTY

John Buchinsky, Hazle Twp., 924 Winters Ave., Hazleton.

MERCER COUNTY

Miss Sara L. Bell, Sharon.
George J. Vermeire, Farrell.

PHILADELPHIA COUNTY

Miss Rita Connors, Phila., 1626 Arch Street.
Harold P. Smith, Phila., 4501 Richmond Street.

VENANGO COUNTY

John B. Williams, Sugar Creek Twp., Mutual Foundry Co., Box 422, Franklin.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY,
That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Coleman,	Geltz,	Ruth,	Wade,
Cox,	Haluska,	Scarlett,	Walker,
Crider,	Heyburn,	Shapiro,	Watkins,
Crowe,	Homsher,	Snovden,	Wilson, H. I.,
Deltrick,	James,	Stevenson,	Ziesenheim,
Dent,	Kephart,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, June 16, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, June 23, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 23, 1941, at 8 o'clock p. m. (Eastern Standard Time).

RESOLUTION RECALLING HOUSE BILL NO. 752 FROM THE GOVERNOR

He also presented extract from the Journal of the House,

which was twice read as follows, considered and agreed to:

In the House of Representatives, June 17, 1941.

Resolved (if the Senate concur), That House Bill No. 752, (Printer's No. 333) entitled:

An Act authorizing cities of the second class A, with the consent of the owners thereof, to improve and beautify property devoted to park purposes, within such cities.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 849

He also presented a communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 849, entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five, (P. L. 1356), entitled "Licensed Weighmasters Act" by further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use, and keeping of weighmaster's certificates; conferring powers and imposing duties upon the State, city, and county inspectors of weights and measures and the Department of Internal Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct the titles were publicly read as follows:

House Bill No. 179, entitled:

An Act validating the title to real estate purchased at judicial sales for the unpaid taxes or municipal assessments, where there is a defect in the names of the parties in certain cases; and providing certain exceptions.

House Bill No. 251, entitled:

An Act to amend section eleven of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2532), entitled "Workmen's Compensation Security Fund Act," by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer; and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employe or any other party in interest against the fund.

House Bill No. 322, entitled:

An Act making an appropriation from the Game Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employes receiving compensation from the Game Fund.

House Bill No. 333, entitled:

An Act making an appropriation from the Fish Fund to the State Employees' Retirement Board to meet the obli-

gations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Fish Fund.

House Bill No. 347, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Banking Department Fund.

House Bill No. 378, entitled:

An Act making an appropriation for the payment of expenses of the Electoral College.

House Bill No. 525, entitled:

An Act amending, revising, consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties; and repealing existing laws

House Bill No. 717, entitled:

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

House Bill No. 739, entitled:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employees Retirement Law," by further defining State employee.

House Bill No. 834, entitled:

An Act requiring persons selling "merchandise" as herein defined, to place weighing and measuring devices in full view of the purchasers; imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures; and providing penalties.

House Bill No. 849, entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1356), entitled "Licensed Weighmasters Act" by further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use, and keeping of weighmaster's certificates; conferring powers and imposing duties upon the State, city, and county inspectors of weights and measures and the Department of Internal Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

House Bill No. 869, entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred thirty-six (Pamphlet Laws, First Extraordinary Session (47), entitled "An act to enable persons, associations, partnerships, and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any

chattels of any kind or description; providing for bonds with confessions of judgments; regulating the assignment and release of such mortgages; and designating the operation and effect of the lien of such mortgages" by extending, enlarging, and removing the limitations from the class of those who may become chattel mortgagees; by making further provision respecting fees of recorders of deeds in connection with chattel mortgages, extension of the lien of said mortgagee and defaults of said mortgages; and by defining violations and prescribing penalties.

House Bill No. 960, entitled:

An Act to amend sections one and two and to further amend sections three and five of the act, approved the sixth day of April one thousand nine hundred and eleven (P. L. 51), entitled "Sausage Law" making possession of adulterated sausage prima facie evidence of intent to sell; further defining and regulating the adulteration of sausage; and conferring powers on the Department of Agriculture.

House Bill No. 1230, entitled:

An Act to further amend section one and to amend section three of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 730), entitled "Soft Drink Law," by excluding certain juices and combinations of juices from the operation of the act; and requiring separate registration for each bottling or manufacturing plant.

House Bill No. 1330, entitled:

An Act making an appropriation from the State Stores Fund to the State Employees' Retirement Board, to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Stores Fund.

House Bill No. 1331, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund.

House Bill No. 1332, entitled:

An Act making an appropriation from the Motor License Fund to the State Employees Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund.

House Bill No. 1343, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

House Bill No. 1344, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

House Bill No. 1345, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Workmen's Insurance Fund.

House Bill No. 1463, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

House Bill No. 1470, entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools, and classes through public school districts, and in cooperation with employment offices for the training, retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

House Bill No. 1493, entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employees in Military Service in time of War or Contemplated War Act," by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employees under certain circumstances.

House Bill No. 1636, entitled:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government.

House Bill No. 1670, entitled:

An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits; and making such sections lawful sewers of such cities.

House Bill No. 1676, entitled:

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1518), entitled, as amended, "Elevator Regulation Law," by defining and making further provision relative to the installation and use of "man lift" elevators.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel L. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 1166, (Senate Bill No. 1216), entitled:

An Act to amend section two of the act, approved the twenty-sixth day of May, one thousand nine hundred and twenty-one (P. L. 1172), entitled "A supplement to the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 208), entitled 'Pharmaceutical Practice Law,'" further regulating the issuance of permits to conduct pharmacies.

Which was committed to the Committee on Public Health.

House Bill No. 1798, (Senate Bill No. 1217), entitled:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

Which was committed to the Committee on Municipal Government.

SENATE BILL No. 352 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 352, entitled:

An Act providing for the creation maintenance and operation of a county employes retirement system in counties of the fourth and fifth class imposing certain charges on counties and prescribing penalties.

With the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 352 LAID ON THE TABLE

Mr. EALY. Mr. President, I move that Senate Bill No. 352, as amended, be laid on the table.

Mr. HENRY I. WILSON. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. FARRELL, from the Committee on Elections, reported as committed, Senate Bill No. 78, entitled:

An Act to amend section eight hundred one of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining political parties and political bodies excluding therefrom parties or bodies desiring to overthrow the Government of the United States by force.

Mr. ZIESENHEIM, from the Committee on State Government, reported as committed, Senate Bill No. 726, entitled:

An Act to provide for two additional law judges of the Court of Common Pleas of the Fifth Judicial District.

BILL INTRODUCED

Mr. BARTLETT read in his place and presented to the Chair Senate Bill No. 1218, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one.

Which was committed to the Committee on Appropriations.

REPORT FROM COMMITTEE

Mr. BECKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BECKER, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 1210, (House Bill No. 1729), entitled:

An Act to add section fourteen and one-tenth to the act, approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled, as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," authorizing the Secretary of Highways and the various political subdivisions, with the approval of the Water and Power Resources Board, to grant easements and flowage rights to the Federal Government, over certain highways, roads, streets and bridges.

BILLS OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 309, (House Bill No. 312), on third reading, entitled:

An Act to amend clause (e) of section five of the act, approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employes, and furnishing suitable accommodations; and making an appropriation," by providing for furnishing artificial limbs to children over ten years of age

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 313, on third reading, entitled:

An Act to amend section two of and to add section four to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of

the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," prescribing the allowance to dependents of officers employes and professional employes of school districts and saving their rights under the Public School Employes Retirement System, and to salary increments.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 532, (House Bill No. 550), on third reading, entitled:

An Act to repeal the act approved the twenty-eighth day of March, one thousand eight hundred and seventy-eight (P. L. 9), entitled "An act relative to the employment of females in hotels, taverns, saloons and eating houses, or other places for the sale of intoxicating and other drinks, and the penalty for the violation thereof"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions, adoptions of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service, defining certain crimes and misdemeanors imposing penalties and making an appropriation and repealing certain acts and parts thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, in order to establish

the State Civil Service Commission as a departmental administrative commission in the Executive Department go over in its order.

The PRESIDENT. Is there objections? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 694, (House Bill No. 1175), entitled:

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. HOMSHER. Mr. President, I ask unanimous consent to offer the following amendments: Amend the title, page 1, next to last line of title by striking out the words "and alterations"; Amend sec. 1, (sec. 615) page 2, lines 26, 27 and 28, and line 1 on page 3, by striking out the words "repairs or alterations are proposed to be done which will not tend to change the basic structure or eliminate required construction features and" and inserting in lieu thereof the following: "ordinary repairs are proposed, such as plastering, painting, replacement of floors, improvement of school grounds, repairing or providing walks, roadways or retaining walls;" Amend Sec. 1, (sec. 615) page 3, line 1 by striking out the words "first and;" Amend sec. 1, (sec. 615) page 3, line 5, by striking out the words "or alterations;" Amend sec. 1, (sec. 615) page 3, line 6, by inserting after the word "required" the following: "Where any structural change is involved, such as moving or adding doors, windows, partitions, making additions or any excavations, approval of the State Council of Education shall be required, regardless of the cost of such structural change."

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL POSTPONED

Mr. FARRELL. Mr. President, I move that further consideration of Senate Bill No. 772, (House Bill No. 1253), on third reading, entitled:

An Act providing a method of annexation of parts of townships now owned by and contiguous to cities of the

first class acquired and used or to be used as an airport, seaplane base and rail and marine terminal and regulating the proceedings pertaining thereto

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 911, on third reading, entitled:

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution

go over in its order.

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, this Bill No. 991 is a Senate Bill and for that reason I would like to ask the gentleman from Lackawanna to state his reason for requesting it go over in order because time is getting short, we hope.

Mr. COLEMAN. Mr. President, this is the bill which reapportions the legislative districts of the Commonwealth of Pennsylvania and it is a tremendously important measure. The gentlemen on our side of the House have not had a chance to properly check it and we think some time today we will be able to get together, with the respective members of the House, and check it and make definitely certain that our good friends on the other side do not reapportion with the view of too much advantage to the Republican Party.

Mr. GELTZ. Mr. President, I have no objection, but I want to say at this time tomorrow we will have to object to this bill going over in order again, should there be such a request.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 923, (House Bill No. 943), on third reading, entitled:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing boards of county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 934, as follows:

An Act requiring recorders of deeds to accept and record deeds prior to registry where registry is required and to have the same registered and fixing fees therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be the duty of the recorder of deeds in the several counties in this Commonwealth to receive

all deeds presented for record when the same are duly acknowledged as required by law and record the same And if by virtue of any provision of law any such deed so presented for record is required to be registered in any office for the registration of deeds other than said recorder's office within the county in which it is so offered for record the recorder of deeds shall nevertheless record such deed whether it has been so registered or not and in such case it shall be the duty of the recorder within ten days after the deed is transcribed into the deed book to have such deed registered in such other registry office or offices before delivering the deed to the party entitled to receive the same On all deeds which the recorder is required to have registered under the provisions of this act he shall be entitled to collect a fee of twenty-five cents (25c) for the first description in such deed and an additional sum of ten cents (10c) for each additional description in addition to the recording fee

Section 2 The act approved the twenty-eighth day of March one thousand nine hundred seven (P. L. 33) entitled "An act providing for the recording of deeds and registration of same" and the act approved the sixteenth day of May one thousand nine hundred twenty-one (P. L. 649) entitled "An act providing for the recording of deeds and registration of same" are hereby repealed absolutely

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 964, (House Bill No. 940), entitled:

An Act to amend section 1202 by adding clause LX of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to appropriate moneys for the support of hospitals.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, I ask unanimous consent to offer the following amendments: Amend title page 1 next to the last line by inserting after the word "authorizing" the word "certain"; Amend section 1, page 1, line 7 by striking out the word "To" and insert in lieu thereof "For boroughs having a population of two thousand inhabitants and upwards to;" Amend section 1, page 1, line 8 by inserting after the word "any" the word "incorporated;" Amend section 1, page 2, line 2 by striking out the word "county" and insert in lieu thereof the following: "borough, but no such appropriation shall exceed in any year the cost of free service extended to residents of the borough which is in excess of any amount paid by the Commonwealth towards such free service."

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I ask that the first amendment be re-read and I ask that the gentleman from Montgomery follow the reading of the amendment, because I feel there is some phraseology that will have to be corrected.

The clerk again read the amendment.

Mr. SHAPIRO. Mr. President, the sentence has no beginning, because the description Hospital appropriations is not part of the act, it is simply a title, and therefore the sentence does not begin at all.

Mr. EDMONDS. Mr. President, I suggest to the gentleman from Philadelphia that we allow the amendment to be put in and then look at the printed bill tomorrow and go over it. These amendments were given to me by Mr. Fertig, who prepared the bill.

Mr. SHAPIRO. We will have to reprint it again, Mr. President.

Mr. EDMONDS. It is only a very short bill.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1000, (House Bill No. 567), entitled:

An Act to re-enact and amend the title and the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing

for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdiction upon the courts of common pleas and further regulating the business of buying and selling securities.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Consitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill has a provision dealing with the appointment of receivers by a Commission and in my opinion that has no place in this bill and I would like the bill to go over in order until we can check it. I spoke to the sponsors of the bill last night and they said it was not their intention that such a provision should be in the bill. I do not know of any other commission that has the right to go into court and ask for the appointment of receivers, and I do not think that power should be given in this bill to this commission, because this is simply a bill for regulatory purposes, and not for taking possession of these funds. There are courts to take care of that and they have carried that out up until now.

Mr. EDMONDS. I have no objection at all to the bill going over but I think there is an answer to the gentleman's statement; I think they will have to act quickly if they are going to find any assets.

Mr. SHAPIRO. Mr. President, the Federal Government has a regulatory bill such as this and they do not have the power to take these companies over and appoint receivers and they never found it necessary.

Mr. EDMONDS. The gentleman from Philadelphia is dealing with companies and these are individuals.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1000, (House Bill No. 567), on third reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1028, entitled:

An Act declaring that the soil under tidal waters within the boundaries of the Commonwealth belongs and has always belonged, to the Commonwealth of Pennsylvania; vesting in the Navigation Commission for the Delaware River and its Navigable Tributaries the supervision, management and control thereof, directing the said Commission to require all persons, firms or corporations desiring to dig; dredge or remove any sand, gravel or other soil under tidal water of said river and its tributaries to obtain a license for so doing and to pay a reasonable royalty to be fixed by said Commission for the use of the Commonwealth, and providing penalties for the digging, dredging or removal of sand, gravel or other soil without procuring such license and entering into such agreement.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 1028

Mr. JAMES. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1028 passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. JAMES. Mr. President, I voted "aye".

Mr. GELTZ. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Sections one to eight inclusive of the bill were severally reconsidered.

The first, second, third and fourth sections were read and agreed to.

Mr. JAMES. Mr. President, I desire to offer amendments.

The Clerk read the amendments to page 3 as follows:

Amend bill, page 3, by inserting between lines 21 and 22 the following:

Section 5. Any person, copartnership, association or corporation, aggrieved by a decision of the said Navigation Commission, in (a) granting or refusing in whole or part an application for a license to dig, dredge or remove any deposits of sand, gravel or other material from the lands of the Commonwealth under tidal waters, or (b) fixing terms and restrictions as to duration of or compensation to be paid for any such license under this act, may, within thirty days after the date of the said decision, present a petition to the court of common pleas for the County of Dauphin, setting forth the facts of the case, and the grounds of the petitioner's complaint; and thereupon the said court, after having caused due notice of presentation of the said petition, and of the time fixed for the hearing thereof, to be given to the said Navigation Commission and to all persons whom the court may deem legally interested therein, shall proceed to hear and determine the subject matter of the said petition, and shall make such order and decree, in the premises as to it may seem proper, and the said order and decree shall be final and conclusive.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the page as amended?

It was agreed to.

The fifth section was read.

On the question,

Will the Senate agree to the section?

Mr. JAMES. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 5, page 3, line 22, by striking out the numeral "5" and inserting in lieu thereof: "6."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section was read.

On the question,

Will the Senate agree to the section?

Mr. JAMES. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 6, page 4, lines 7 to 15 both inclusive, by striking out all of said lines.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh section was read.

On the question,

Will the Senate agree to the section?

Mr. JAMES. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 7, page 4, line 17, by striking out after the word "with" the following: "be and the same."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eighth section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. JAMES. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title, page 1, line 12 of title, by inserting after the word "Commonwealth" at the end of the line, the following: "providing for appeals from any action of the Navigation Commission."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1029, as follows:

An Act creating a Joint Legislative Committee for the purpose of making a thorough study and investigation of the State Employees' Retirement System providing for its appointment authorizing the employment of necessary clerks and assistants authorizing the subpoenaing of witnesses and records and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas Numerous bills have been introduced making amendments to the Acts of Assembly providing for the administration of the State Employees' Retirement System which provide for the admission to the system of employees heretofore refused admission and

Whereas All of the changes made therein since the inception of the system have added to the financial burden placed upon the fund and

Whereas No more changes should be made until after a careful and comprehensive study of the system its condition and the effect thereon of the admission of other groups of employees

Section 1 A committee of three senators to be appointed by the President pro tempore of the Senate and three members of the House to be appointed by the Speaker of the House of Representatives is hereby created whose duty it shall be to make a thorough study and investigation of the State Employees' Retirement System including its condition and the effect thereon of the further changes and to make a full report of the result of such investigation to the General Assembly of the Commonwealth at the next regular or special session of the General Assembly

Section 2 The said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

Section 3 The persons appointed as members of said committee shall meet immediately after appointment and select one of their number to act as chairman and one to act as secretary of the committee The committee may employ any necessary clerks and stenographers as they deem necessary and fix their compensation The members of the committee shall receive no compensation for their services but shall be reimbursed for living and traveling expenses necessarily incurred in the performance of their duties

Section 4 The sum of one thousand dollars (\$1,000) is hereby specifically appropriated to the said committee for the purpose of paying the expenses of the members and the salaries and travelling expenses of employees and any other necessary expenses incident to the work of said committee

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	DiSilvestro,	Lanias,	Stiefel,
Becker,	Ealy,	Letzler,	Tallman,
Carr,	Edmonds,	Mallery,	Taylor,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Hornsher,	Shapiro,	Wilson, H. I.,
Deitrick,	James,	Snowden,	Wilson, T. E.,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 1030, (House Bill No. 931), on third reading, entitled:

An Act to further amend section six of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2603) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases" fixing the rate of the annual tax levy on real estate and authorizing the computation and entry for collection purposes in tax duplicates of the county of the taxes due to vocational school districts and the separate accounting and return thereof and making further provision with reference to the bond of tax collectors

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1037, as follows:

An Act to amend section four hundred and twenty A of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P L 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carrier by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by authorizing minors of the age of eighteen years and upward to contract for policies of life insurance and annuities and giving them full rights powers and privileges with regard thereto whether heretofore or hereafter applied for or issued to them with the same force and effect as if they were of age

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred and twenty A of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P L 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" which was added to said act by section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P L 625) is hereby amended to read as follows

Section 420A Minors May Enter into Insurance Contracts and Have Full Rights Powers and Privileges Thereunder That all minors in Pennsylvania of the age of eighteen years and upwards shall have full power and authority to make [all needful] contracts [to become mem-

bers] of insurance and annuities with any life insurance company authorized to do business in the State of Pennsylvania either domestic or foreign and upon attaining the age of eighteen years shall have all the powers rights and privileges of ownerships of any and all such life insurance annuity contracts or otherwise heretofore or hereafter applied for or issued to them and with full power to surrender assign pledge or receive dividends or modify or change such contracts and generally to have the full power and authority in the premises that persons twenty-one years and upwards could and would have relative to any and all such contracts

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to call attention of the Senate to the fact that this is a bill the purpose of which is hard for me to understand. I cannot understand what insurable interest there can be in a person eighteen years of age and I can see no reason why contracts of insurance shall be made for persons under twenty-one years of age.

My whole idea of insurance is that the theory back of it is the responsibility of the insured to some person who is dependent upon him. Now, we have a provision that minors of the age of eighteen years may enter into contracts of insurance and annuities with the same power—and it seems to me this is extending the existing law too far. For that reason I shall vote against the bill.

Mr. EDMONDS. Mr. President, I think the gentleman from Philadelphia misunderstands the purpose of the bill. There is now on the statute books an act that those from eighteen to twenty-one may become members, that is all; they may become members, and that has been construed to mean in some quarters that they may become members of mutual insurance companies only, hence the intention of this act is to broaden the terms of the contract that they may enter into so as to cover stock companies as well as mutual companies; otherwise by legislation we are giving preference to one form of insurance over another. It does not add to the ability of those under twenty-one years of age to make contracts, but it does give them a wider field in which they may enter. The only object of this bill is to strike out the word "members," and insert the broader phrase "so they may become members and also beneficiaries of the other class of companies."

Mr. SHAPIRO. Mr. President, I should like to call attention to the fact that this law in its original form took cognizance of the fact that insurance should only be on the basis of need. This act does more than what the gentleman from Montgomery says it does. The original words permitted the making of contracts, the making of "all needful" contracts. If the words "all needful" contracts are taken out and in substitution of the words "all needful" and the words "to become members of," are inserted, the words now read that they be given authority to make contracts of insurance and annuities. In other words, in the case of an eighteen year old boy, he may have insurance with insurance companies in annuities, but the need for that situation, as provided in the original act, is eliminated. I have not misunderstood the purpose, I have read it, I think, very carefully,

and I understand that this takes away all limitations on the placing of contracts of insurance and annuities by minors.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	DiSilvestro,	Kephart,	Tallman,
Becker,	Ealy,	Lanius,	Taylor,
Carr,	Edmonds,	Letzler,	Thomas,
Cavalcante,	Farrell,	Mallery,	Tyler,
Chapman,	Frey,	McQuiddy,	Wade,
Coleman,	Geltz,	Miller,	Walker,
Cox,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Scarlett,	Wilson, H. I.,
Crowe,	Homsher,	Snowden,	Wilson, T. B.,
Deltrick,	James,	Stevenson,	Ziesenheim,

NAYS—3

McCreesh, Shapiro, Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1064, (House Bill No. 848), on third reading, entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P L 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been changed from a fourth class district to one of another class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1077, (House Bill No. 1494), as follows:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P L 858) as amended entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by

the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

1 "The act to which this is a supplement" shall mean the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P L 858) as amended entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof for the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties"

2 "State employee" shall mean any person who is a "State employee" as defined in the act to which this is a supplement

3 "Salary deductions" shall mean the amount certified by the State Employees' Retirement Board and either (a) deducted from the salary of a contributor to the State Employees' Retirement Fund and paid by the State Treasurer into the fund created by the act to which this is a supplement through the Department of Revenue under the provisions of section seven of said act or (b) deducted from any grant-in-aid subsidy or benefit payable or paid by the Commonwealth of Pennsylvania to a State employee or his dependent or dependents while in active military service as defined in this act and paid into the Retirement Fund by the State Treasurer through the Department of Revenue

4 "Board" shall mean the State Employees' Retirement Board created by the act to which this is a supplement

5 "Active military service" shall mean full time service in the armed forces of the United States under a requisition from or by executive order of the President of the United States or in the armed forces organized for the defense of the Commonwealth of Pennsylvania by the authority of this Commonwealth

6 "Head of the Department" shall mean the agency of the Commonwealth defined in the act to which this is a supplement

Section 2 A state employee who enters into active military service may elect to continue to pay into the State Employees' Retirement Fund his salary deductions on the basis of his salary on the date of his entry into such active military service Such election shall be in writing on the form prescribed by the Board and it shall be filed with the Board within thirty (30) days after the effective date of this act or within thirty (30) days after the member's induction into active military service By such election a State employee shall authorize and direct the State Treasurer to pay into the State Employees' Retirement Fund an amount certified to the State Treasurer by the Board as the member's salary deduction The State Treasurer shall deduct such amount from any moneys payable to such State employee or his dependent or dependents under the provisions of the act approved the seventh day of June one thousand nine hundred seventeen (P L 600) entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch

or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceed two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" or under any act of assembly extending the benefits of said act to State employes or providing for the payment of grants-in-aid or subsidies to a State employe while in active military service or under any law now in force or hereafter enacted and the State Treasurer shall pay the amount so deducted into the Fund created by the act to which this is a supplement

Section 3 A State employe who does not elect to pay into the State Employes' Retirement Fund during the period of his active military service an amount equal to his salary deductions may during the period of such active military service and for a further period of forty (40) days after completion of such active military service pay into the State Employes' Retirement Fund an amount which shall be equal to the salary deductions multiplied by the number of the semi-monthly periods during which he or she was absent from State employment or State service in active military service to the credit of the annuity savings account in such manner as may be agreed upon by the State employe and the Board but in no event shall such payments be made in installments less than sufficient to pay such amount by the time the member attains superannuation retirement age

Section 4 A State employe who complies with the provisions of section two or section three of this act shall after such election be classified by the Board as a State employe in active military service and shall thereafter during such active military service and for a period of forty (40) days after the completion of such active military service be entitled to all benefits to which he or she may be entitled upon the date of entry into active military service under the provisions of the act to which this is a supplement as fully as though such State employe continued to be in the actual employ and service of the Commonwealth of Pennsylvania at the salary such State employe had been receiving on the date of his or her entry into active military service Provided however That such State employe shall not have the right to retire upon disability under the provisions of section twelve of the act to which this is a supplement except as hereinafter provided If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service the head of the department shall certify such member as an employe with active military service

Section 5 A State employe who does not file with the Board an election to pay his salary deductions into the State Employes' Retirement Fund as provided in section two of this act shall be classified as a nonpaying member in active military service of the State Employes' Retirement Association until he shall return to the actual employ and service of the Commonwealth of Pennsylvania or until such member complies with section three of this act in the manner provided or for the period of such active military service and for forty (40) days after the completion of such active military service Such member shall enjoy all the benefits to which the member was entitled on the date of entry into active military service under any law of the Commonwealth of Pennsylvania relating to the State Employes' Retirement Association and the State Employes' Retirement Fund Provided however That such member shall not have the right to retire upon disability under the provisions of section twelve of the act to which this is a supplement except as hereinafter provided If such member returns to the actual employ and service of the Commonwealth

within a period of forty (40) days after such active military service the head of the department shall certify such member as an employe with active military service

Section 6 A State employe who shall have withdrawn from actual State employment or actual State service for active military service may after his or her return to actual State employment or actual State service but not later than forty (40) days after the completion of such active military service request the Board for a physical and medical examination At a time and place within the Commonwealth and by an examiner or examiners to be designated by the Board the applicant shall appear for and submit to such examination If the examiner or examiners shall find as a fact that such State employe is free from physical or mental incapacity which renders him or is likely to render him incapable of performing the duties of his employment the examiner or examiners shall so certify to the Board whereupon the Board shall classify the applicant as a member free from active military service disability and thereupon such member shall become entitled to enjoy all the benefits to which the member was entitled under the act to which this is a supplement on the date of entry into active military service If the examiner or examiners shall find as a fact that such State employe is physically or mentally incapacitated for the performance of the duties of the employment which he had when last in the actual employ and service of the Commonwealth the examiner or examiners shall certify to the Board the nature and degree of such physical or mental incapacity or disability whereupon the Board shall classify the applicant as a member with active military service disability and thereupon such member may elect to accept the benefit of the provisions of section eleven of the act to which this is a supplement or the benefit of section eight of this act or the benefits of the act to which this is a supplement without disability rights and shall be classified by the Board as State employe without disability rights Such State employe shall enjoy all the rights incident to membership in the Retirement System except the right to retire for disability or upon disability and to receive a disability retirement allowance Such member's salary deduction shall be reduced accordingly Such election shall be in writing in form prescribed by the Board and shall be filed with the Board not later than fifty (50) days after the completion of such active military service

Section 7 The form and content of the examination and certificate required by section six of this act shall be prescribed by the Board with the advice of the Board's actuary and a physician and/or psychiatrist to be by the Board employed for that purpose

Section 8 All State employes who shall have been engaged in active military service and who shall have returned to State employment or State service without examination or certification as required by sections six and seven of this act shall be classified by the Board as State employes without disability rights Such State employe shall enjoy all the rights incident to membership in the Retirement System except the right to retire for disability or upon disability and to receive a disability retirement allowance Such member's salary deduction shall be reduced accordingly

Section 9 The amount by which the salary deduction of a State employe without disability rights to be paid into the Fund shall be reduced shall be determined by the Board in accordance with tables to be prepared and certified by the actuary

Section 10 The provisions and benefits of this act shall be applied and extended to all State employes who were members of the State Employes' Retirement System on October fifteenth one thousand nine hundred forty

Section 11 This act shall become effective immediately upon approval

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	Homsher,	Scarlett,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1078, (House Bill No. 1495), as follows:

A Supplement to the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employees Retirement Fund under the Administration of the State Employees' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

1. "The act to which this is a supplement" shall mean the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employees' Retirement Fund under the Administration of the State Employees' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes providing penalties"

2. "Board" shall mean the State Employees' Retirement Board

3. "Member" shall mean a person defined as either "Original Member" or "New Member" by the act to which this is a supplement

4. "Salary deductions" shall mean the amount certified by the State Employees' Retirement board and either (a) deducted from the salary of a member and paid through the Department of Revenue by the State Treasury into the Fund created by the act to which this is a sup-

plement or (b) deducted from any grant-in-aid subsidy or benefit payable or paid by the Commonwealth of Pennsylvania to a member or his dependent or dependents while in active military service as defined in this act and paid into the said Fund by the State Treasurer through the Department of Revenue

5 "Active military service" shall mean full time service in the armed forces of the United States under a requisition from or by executive order of the President of the United States or in the armed forces organized for the defense of the Commonwealth of Pennsylvania

6 "Fund" shall mean the State Employees' Retirement Fund into which payments and contributions are required to be made by section four of the act to which this is a supplement

7 "Head of the Department" shall mean as applied to State employees the head of the department or branch of service not a department of the Commonwealth of Pennsylvania of which the State employee is a member

Section 2 A member who enters into active military service may elect to continue to pay into the Fund his salary deductions on the basis of his salary on the date of his entry into such active military service Such election shall be in writing on the form prescribed by the Board and it shall be filed with the Board within thirty (30) days after the effective date of this act or within thirty (30) days after the member's induction into active military service By such election a member shall authorize and direct the State Treasurer to pay into the Fund an amount certified to the State Treasurer by the Board as the member's salary deduction. The State Treasurer shall deduct such amount from any moneys payable to such member or his dependent or dependents under the provisions of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employees as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively and providing for the compensation of such substitutes" or under any act of assembly extending the benefits of said act to members or providing for the payment of grants-in-aid or subsidies to a member while in active military service or under any law now in force or hereafter enacted and the State Treasurer shall pay the amount so deducted into the Fund created by the act to which this is a supplement

Section 3 A member who does not elect to pay into the Fund during the period of his active military service an amount equal to his salary deductions may during the period of his active military service and for a further period of forty (40) days after the completion of such active military service pay into the Fund an amount which shall be equal to the salary deductions multiplied by the number of the semi-monthly periods during which he or she was absent from State employment or State service in active military service to the credit of the annuity savings account in such manner as may be agreed upon by the member and the Board but in no event shall such payments be made in installments less than sufficient to pay such amount by the time the member attains superannuation retirement age

Section 4 A member who complies with section two

or section three of this act shall be classified by the Board as a Pennsylvania Motor Police member in active military service and shall thereafter during such active military service and for a period of forty (40) days after the completion of such active military service be entitled to all the benefits to which he or she may be entitled upon the date of entry into active military service under the provisions of the act to which this is a supplement as fully as though such member continues to be in the actual employment and service of the Commonwealth of Pennsylvania at the salary such member had been receiving on the date of his or her entry into active military service. Provided however That such member and his dependent or dependents shall not have the right to those payments upon death for which provision is made in section eleven or to retire upon disability under the provisions of section thirteen or to receive or to have paid for the member's benefit medical surgical and hospital expenses under the provisions of section twenty-two of the act to which this is a supplement except in each case as hereinafter provided. If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service the head of the department shall certify such member as an employee with active military service.

Section 5 A member who does not file with the Board an election to pay his salary deductions into the Fund as provided in section two of this act shall be classified as a non-paying Motor Police member in active military service of the Pennsylvania Motor Police Retirement System until he or she shall return to the actual employ or service of the Commonwealth or until such member complies with section three of this act in the manner provided or for the period of such active military service and for forty (40) days after the completion of such active military service. Such member shall enjoy all the benefits to which the member was entitled upon the date of entry into active military service under the laws of the Commonwealth of Pennsylvania relating to the Pennsylvania Motor Police Retirement System and the State Employees' Retirement Association and the State Employees Retirement Fund. Provided however That such member and his dependent or dependents shall not have the right to the benefit of payments upon death for which provision is made in section eleven of the act to which this is a supplement or the right to the benefit of payment for medical surgical or hospital expenses for which provision is made in section twenty-two of the act to which this is a supplement or the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement except in each case as hereinafter provided. If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service the head of the department shall certify such member as employee with active military service.

Section 6 A member who shall have withdrawn from actual State employment or actual State service for active military service may after his or her return to actual State employment or actual State service but not more than forty (40) days after the completion of such active military service request the Board for a physical and medical examination. At a time a place and by an examiner or examiners to be designated by the Board the applicant shall appear for and submit to such examination. If the examiner or examiners shall find as a fact that such member is free from physical or mental incapacity which renders him or her or is likely to render him or her incapable of performing the duties of his or her employment the examiner or examiners shall so certify to the Board whereupon the Board shall classify the applicant as a Pennsylvania Motor Police member free from active military service disability and thereupon such member shall become entitled to enjoy all the benefits to which the member was entitled under the act to which this is a supplement on the date of entry into active military service including the retirement allowance payable upon the death of a contributor as a direct and

proximate result of injuries received in the course of his employment under the provisions of section eleven of the act to which this is a supplement and the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement if the cause for disability is not incurred in or related to the member's active military service and the right to medical surgical or hospital expenses thereafter incurred and for which provision is made in section twenty-two of the act to which this is a supplement. If the examiner or examiners find as a fact that such member is physically or mentally incapacitated for the performance of the duties of the employment which he had when last in the actual employ or service of the Commonwealth the examiner or examiners shall certify to the Board the nature and degree of such physical or mental incapacity or disability whereupon the Board shall classify the applicant as a member with active military service disability and thereupon such member may elect to accept the benefit of the provisions of section eleven of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended or the benefit of section eight of this act or the benefits of the act to which this is a supplement without disability rights and shall be classified by the Board as State employee without disability rights. Such State employee shall enjoy all the rights incident to membership in the Retirement System except the right to retire for disability or upon disability and to receive a disability retirement allowance. Such member's salary deduction shall be reduced accordingly. Such election shall be in writing in form prescribed by the Board and shall be filed with the Board not later than fifty (50) days after the completion of such active military service.

Section 7 The form and content of the examination and certificate required by section six of this act shall be prescribed by the Board with the advice of the Board's actuary and a physician and/or psychiatrist to be by the Board employed for that purpose.

Section 8 Every employee who shall have been engaged in active military service and who shall have returned to State employment or State service without examination or certificate as required by sections six and seven of this act shall be classified by the Board as Pennsylvania Motor Police members without disability rights. Such member shall enjoy all rights incident to membership in the System except the right to retire for disability or upon disability and to receive a disability retirement allowance. Such member's salary deduction shall be reduced accordingly.

Section 9 The amount by which the salary deductions of a member without disability rights to be paid into the Retirement Fund shall be reduced shall be determined by the Board in accordance with tables to be prepared and certified by the actuary.

Section 10 The provisions and benefits of this act shall be applied and extended to all members who were members of the Pennsylvania Motor Police Retirement System on October 15 1940.

Section 11 This act shall become effective immediately upon approval.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Stevenson,
Bartlett,	DiSilvestro,	Lanius,	Stiefel,
Becker,	Ealy,	Letzler,	Tallman,
Carr,	Edmonds,	Mallery,	Taylor,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,

Cox,
Crider,
Crowe,
Detrick,

Haluska,
Heyburn,
Homsher,
James,

Ruth,
Scarlett,
Shapiro,
Snowden,

Walker,
Watkins,
Wilson, H. I.,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1087, as follows:

An Act authorizing the Secretary of Property and Supplies to sell and convey certain tracts of coal lands in Hempfield Township Westmoreland County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Property and Supplies with the approval of the Governor is hereby authorized on behalf of the Commonwealth of Pennsylvania to sell and convey for such consideration as may be agreed upon and to make and execute a deed conveying the following described property

All the coal of the Upper Freeport Vein in and underlying All that certain tract of land situate in Hempfield Township Westmoreland County Pennsylvania bounded and described as follows to wit

Beginning at a point on line of land of Cyrus Miller thence by line of land of said Cyrus Miller South 58 degrees East 460 feet to a point in the corner of Seventh Street thence along said Seventh Street South 32 degrees West 162.2 feet to a point in the center of Lowe Street thence along the center line of said Lowe Street South 58 degrees East 390 feet to the west line of a fifteen foot alley thence along the West line of said fifteen foot alley South 32 degrees West 589.2 feet to a point thence South 58 degrees East 140 feet to center of fifth Street thence along the center of Fifth Street South 32 degrees West 317 feet to a point in the center of Wilson Street thence along the center of said Wilson Street South 58 degrees East 25 feet thence by line of land of Mrs Butcher South 32 degrees West 475 feet to a point in the right of way of the West Penn Railways Company thence along line of right of way of the said West Penn Railways Company South 49 degrees West 217.5 feet in line of land of William Fox thence by line of land of said William Fox North 20½ degrees West 422 feet thence by same North 45 degrees West 711 feet to a point thence by line of land of Jennie M Ross North 32 degrees East 824 feet to a point in line of land of S J Ellenberger thence by line of land of said S J Ellenberger South 58 degrees East 231.4 feet to a point thence by same North 15 degrees 20 minutes West 314.6 feet to a point in line of land of William Long thence by line of land of said William Long North 77½ degrees East 213.8 feet to a point in the center of public road thence along the center of said public road North 12½ degrees West 165 feet to a point in line of land of Cyrus Miller and thence by line of land of said Cyrus Miller North 77½ degrees East 38 feet to the place of beginning containing 39.254 acres

Together with the right to mine extract and remove all of said coal without being required to provide or leave support for the overlying strata or surface and without being liable for any damage to said surface or to anything thereon or thereunder by reason of mining and removing said coal or the manufacture of the same into coke or other products at such place as may now be owned or may hereafter be acquired by said Lowe Coal Company its successors or assigns and with the right to make use and maintain roads tracks and ways in and through said coal for the removal and transportation of the said coal or other coal or matter belonging to or that

may hereafter be acquired by said Lowe Coal Company its successors or assigns

Together also with all the rights and privileges granted and conveyed to Lowe Coal Company by John W Scott et ux by deed dated November 1st 1917 and recorded in the Recorder's Office of Westmoreland County Pennsylvania in Deed Book Vol 603 Page 430

Also All the coal in and underling all the following described premises situate in Hempfield Township Westmoreland County Pennsylvania bounded and described as follows to wit

Second Fronting 38 feet on the East side of Fourth Street and extending back in an Easterly direction preserving the same width between Wilson Street on the South and Lot No 5 in First Addition to the Harrold Plan of Lots on the North a distance of 100 feet to a fifteen feet wide alley being Lot No 6 in Block "K" of the First Addition to the Harrold Plan of Lots laid out by John W. Scott and recorded in the Office aforesaid in Plan Vol 4 page 72

Third Fronting 100 feet on the North side of Wilson Street and extending back in a Northerly direction between an alley on the West and land of John W Scott on the East a distance of 38 feet to land of John D Sturtz

Fourth Beginning at the Southeasterly corner of Fifth Street and Wilson Street thence along said Wilson Street in an Easterly direction to a point in an alley thence along said alley in a Southwesterly direction 420.8 feet more or less to a point at the intersection of said alley with Fifth Street thence along said Fifth Street in a Northerly direction 403 feet more or less to Wilson Street the place of beginning

Being Lots Nos 13 14 15 16 and 17 in Block "G" of the First Addition to the Harrold Plan of Lots as aforesaid

Together with the right to mine extract and remove all of said Coal without being required to provide or leave support for the overlying strata or surface and without being liable for any damages to said surface or to anything therein or thereunder by reason of mining and removing said coal or the manufacture of the same into coke or other products on such places as may now be owned or may hereafter be acquired by Lowe Coal Company its successors or assigns and with the right to make use and maintain ways tracks and roads in and through said coal for the removal and transportation of the said coal or other coal or matter belong to or that may hereafter be acquired by Lowe Coal Company its successors or assigns

It is hereby provided that no opening shall be made in the surface overlying the coal described at Tract No 4

Fifth Beginning at a post in the center of a public road at line of land of Thomas Harrold thence by line of land of said Thomas Harrold South 77 degrees 20 minutes West 330.5 feet to a post at line of land of Urias Sell thence by line of land of said Urias Sell North 52 degrees 27 minutes West 1601.8 feet to a post thence by same South 76 degrees 46 minutes West 213.7 feet to an oak thence by same North 46 degrees 52 minutes West 201.4 feet to stones in line of land of Tobias Long thence by line of land of said Tobias Long North 50 degrees 24 minutes East 805.03 feet to a post thence by same North 39 degrees West 137 feet to a post thence by same North 42 degrees 30 minutes East 100 feet to a post thence by same South 7 degrees 45 minutes West 380.5 feet to a post in said public road thence along the center of said public road South 47 degrees 37 minutes East 217.8 feet to a post in center of said public road thence by land of said Tobias Long North 42 degrees 30 minutes East 497.76 feet to a post thence by same South 75 degrees 20 minutes East 318.45 feet to a stone corner thence by same South 29 degrees 40 minutes East 194.7 feet to a stone pile thence by line of land of Cyrus Miller South 35 degrees 01 minute West 495 feet to a post in said public road thence along said public road the following courses and distances South 57 degrees 16 minutes East 333.5 feet to a post South 50 degrees 30 minutes East 462 feet to a post South 7 degrees 30 minutes East 132 feet to a post South 2 degrees 47 minutes East 377.85

feet to a post and South 2 degrees 15 minutes West 672.7 feet to the place of beginning Containing 55.427 Acres.

Sixth Beginning at a post in line of land of Urias Sell thence by line of land of Urias Sell and land of Jacob Millron North 77 degrees 30 minutes East 474 feet to a post in line of land of Jacob Swartz thence by line of land of Jacob Swartz South 12 degrees 30 minutes East 165 feet to a post thence by same North 77 degrees 30 minutes East 63 feet to a stake thence by line of land of John W Scott South 15 degrees 20 minutes East 314.6 feet to a stake in Hillis Street thence by said Hillis Street North 58 degrees 256.4 feet to a stake at corner of Hillis Street and Ninth Street thence by Ninth Street South 32 degrees West 50 feet to a post thence by line of lands of Jennie M Ross North 58 degrees West 490 feet to a post the place of beginning Containing 2.833 Acres

Seventh Beginning at a point near a white oak corner of land of Urias Sell land of Burton S Fox and land the coal under which is hereby conveyed thence by line of land of said Burton S Fox South 45 degrees East 1081 feet to a post in the center of Ninth Street thence by center of said Ninth Street North 32 degrees East 774 feet to a point in the center of Ninth Street where the same intersects Hillis Street thence by line of land now or formerly of John W Scott North 58 degrees West 515 feet to a post on line of land of Urias Sell thence by line of land of Urias Sell South 77 degrees 30 minutes West 760 feet to the place of beginning Containing 12 acres and 112 perches

Excepting and reserving therefrom and thereout all the coal together with the mining rights in and underlying all that portion of the above described tract of land conveyed by Jennie M Ross et al to Irwin C Ross by deed dated May 16th 1911 and recorded in Deed Book Vol 497 page 444

Also Excepting and reserving therefrom and thereout all the coal together with the mining rights in and underlying all that portion of the above described tract of land conveyed by Jennie M Ross et al to J McClure Ross by deed dated October 30th 1913 and recorded in Deed Book Vol 539 page 502

Also Excepting and reserving unto John W Scott his heirs and assigns the right to run two parallel entries or headings of which the width of ten feet through any vein of coal underlying the above described tract of land together with the rights thereto as fully set forth in deed from said John W. Scott to Jennie M Ross dated March 6th 1911 and recorded in Deed Book Vol 482 page 232

Eighth Beginning at a point in the middle of Ninth Street thence Southward by center of said Street 295 feet to a post in the center of Ninth Street thence North 45 degrees West 1080 feet to a point near a white oak corner of land of Urias Sell land of Burton S Fox and land the coal under which is hereby conveyed thence North 77 degrees 30 minutes East 75 feet to a post thence South 58 degrees East 1008 feet to the place of beginning Containing 4 acres 37 1/3 perches Said tract of land being known as Lot No 3 in Sub-division of land of Jennie M Ross

Ninth Beginning at a point in the center of Ninth Street thence Southward by center of said Street 202 feet to the corner of Lot No 3 thence North 58 degrees West 1008 feet to land of Urias Sell thence North 77 degrees 30 minutes East 290 feet to a post at corner of Lot No 1 thence South 58 degrees East 801 feet to the place of beginning Containing 4 acres 37 1/2 perches Said Tract of land being known as Lot No 2 in sub-division of land of Jennie M Ross

Excepting and reserving therefrom and thereout unto John W Scott his heirs and assigns the right to run two entries or headings of the width of ten feet through any vein of coal underlying the above described two tracts of land together with the rights thereto as fully set forth in deed from said John W Scott to Jennie M Ross dated March 6th 1911 and recorded in Deed Book Vol 482 page 232

Together with the right to mine extract and remove all of said coal without being required to provide or leave support for overlying strata or surface and without being

liable for any damage to said surface or to anything thereon or thereunder by reason of mining and removing said coal or the manufacture of the same into coke or other products at such places as may now be owned or may hereafter be acquired by Lowe Coal Company its successors or assigns and all surface privileges necessary or convenient for ventilating and draining said coal and with the right to make use and maintain roads tracks and ways in and through said coal for the removal and transportation of the said coal or other coal or matter belonging to or that may hereafter be acquired by Lowe Coal Company its successors or assigns

Being the same premises which Ray B Johnston Sheriff of Westmoreland County Pennsylvania by deed dated January 2 1932 recorded in the Recorder's office of Westmoreland county in Deed Book Volume 923 Page 342 sold and conveyed to the Commonwealth of Pennsylvania

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Stevenson,
Bartlett,	DiSilvestro,	Lanius,	Stiefel,
Becker,	Ealy,	Letzler,	Tallman,
Carr,	Edmonds,	Mallery,	Taylor,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Hopsher,	Shapiro,	Wilson, H. I.,
Deltrick,	James,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. DENT. Mr. President, I would like to interrogate the sponsor of the bill.

THE PRESIDENT. Will the gentlemen from Clearfield permit himself to be interrogated?

Mr. LETZLER. Yes, Mr. President.

Mr. DENT. Mr. President, could the gentleman from Clearfield tell me why this bill was sponsored by him?

Mr. LETZLER. I do not know why, Mr. President. It was handed to me and I did it.

Mr. DENT. I thank the gentleman from Clearfield. I take it this is a validating act allowing the Department of Supplies to sell some coal lands in the community which I represent. I know, Mr. President, that I have not always represented it as well as some people would want me to, especially the Republicans, but I do think I could have sponsored a validating act.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 1029, on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be admin-

istered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith", as amended, by defining qualifications for certification as a supervising principal by the Department of Public Instruction

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1108, (House Bill No. 820), on third reading, entitled:

An Act to amend section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended exempting from the mercantile license tax so much of the business of manufacturers producers and mechanics as comprises the vending of goods of their manufacture or production from their factories places of production, loading pockets, places of storage and workshops

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1117, on third reading, entitled:

An Act to amend section 1 of the act, approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 901), entitled "An act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by redefining the term "Dealer in farm produce"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1131, as follows:

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and cost such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act

Whereas during the years of the economic depression many corporations and individuals became insolvent or unable to pay their debts as they matured and are now or may hereafter be in the process of reorganization or arrangement proceedings under the National Bankruptcy Act and Whereas the National Bankruptcy Act has made provision for the fair and equitable administration and readjustment of the affairs of such corporations and individuals under the jurisdiction of the United States courts and with due consideration to the relative rights and priorities of

claims and obligations of all classes including municipal claims and taxes against such corporations or individuals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions Hereafter in this act the following words shall be understood to have the meanings herein set forth unless a contrary or different meaning be clearly indicated by the context.

(a) "Claims" shall mean municipal claims and liens tax claims and liens and penalties interest and costs due thereon

(b) "Corporation" shall mean all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnerships and shall include partnership associations organized under laws making the capital subscribed alone responsible for the debts of the association joint stock companies unincorporated companies and associations and any business conducted by a trustee or trustees wherein beneficial interest or ownership is evidence by certificate or other written instrument

Section 2 Corporate Reorganizations Whenever after a hearing duly held thereon a plan of reorganization of any corporation has been or shall hereafter be found to be fair and equitable and feasible and be approved by the decree or order of any court of competent jurisdiction pursuant to the provisions of Chapter ten of the Act of the Congress of the United States approved the first day of July one thousand eight hundred ninety-eight entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" and the amendments and supplements thereto or of any similar Act of Congress and which plan of reorganization fixes a sum to be paid for the discharge and satisfaction of all claims of any political subdivisions against such corporation or its property which sum may be less than the total amount of such claims but shall be determined by such court to be not less than the net amount which could be realized at a tax sale of the real property against which such taxes may be or might become a lien or by enforced collection against such corporation then and in such event the tax levying body of any political subdivision shall have power to file its written acceptance of said plan of reorganization accompanied by a copy of the ordinance or resolution authorizing the acceptance of such plan in the court having jurisdiction of the proceedings for the reorganization of such corporation and to accept in full satisfaction and discharge of such claims as may constitute claims against such corporation and in full satisfaction and discharge of the liens of any such claims as may constitute liens against the property of such corporation the amount so fixed by the court in said plan of reorganization Such satisfaction and discharge shall not constitute a satisfaction and discharge of any liability of any person other than such corporation with respect to such claims Upon the payment over to the political subdivision of the amount so fixed the tax levying body of such political subdivision shall cause satisfaction to be entered on the proper record for such claims

Section 3 Arrangement Proceedings by Persons Other Than Corporations Whenever any arrangement respecting a person other than a corporation has been or shall hereafter be proposed pursuant to the provisions of Chapter twelve of the Act of the Congress of the United States approved the first day of July one thousand eight hundred ninety-eight entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" and the amendments and supplements thereto or of any similar Act of Congress which arrangement fixes a sum to be paid for the discharge and satisfaction of all claims due by such person to any political subdivision which sum may be less than the total amount of such claims but shall be not less than the net amount which could be realized at a tax sale of the real property against which such taxes may be or might become a lien or by enforced collection against such person then and in such event the tax levying body of any political subdivision shall have power to file its written acceptance of

said arrangement accompanied by a copy of the ordinance or resolution authorizing the acceptance of such arrangement in the court having jurisdiction of the proceeding for such arrangement and upon confirmation by such court of such arrangement shall accept in full satisfaction for such claims the amount so fixed in said arrangement. Upon payment over to the political subdivision of the amount so fixed the tax levying body of such political subdivision shall cause satisfaction to be entered on the proper record for such claims.

Section 4 Effective Date This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Stevenson,
Bartlett,	DiSilvestro,	Lanius,	Stiefel,
Becker,	Ealy,	Letzler,	Tallman,
Carr,	Edmonds,	Mallery,	Taylor,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Shapiro,	Wilson, H. I.,
Deltrick,	James,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1169, on third reading, entitled:

An Act to further amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of public assistance to unemployable persons; substituting the Department of Welfare for the Department of Public Assistance, abolishing the Department of Public Assistance and the State Board of Public Assistance and imposing certain duties in respect to employable persons on the Department of Labor and Industry

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1173, as follows:

An Act authorizing the Department of Property and Supplies to purchase coal underlying the Cresson State Sanatorium and making an appropriation therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized to acquire through deed in the name of the Commonwealth all right and title in and to as much coal underlying the lands of the Cresson State Sanatorium in Cambria and Blair Counties Pennsylvania as within the judgment of the Secretary of Health and Secretary of Mines will insure the safety of the present or future buildings and improvements of said institution and for this purpose the sum of thirty-five thousand dollars (\$35,000.00) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Stevenson,
Bartlett,	DiSilvestro,	Lanius,	Stiefel,
Becker,	Ealy,	Letzler,	Tallman,
Carr,	Edmonds,	Mallery,	Taylor,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Shapiro,	Wilson, H. I.,
Deltrick,	James,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1188, as follows:

An Act making an appropriation for the purpose of reconstruction preservation and maintenance of public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six thousand seven hundred dollars (\$6,700) or so much thereof as may be necessary is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred forty-one to be paid to the Treasurer of Elk Township Warren County Pennsylvania for the purpose of reconstruction preservation and maintaining in good repair the public roads and highways passing through the Cornplanter Indian Reservation in said Township and for the purpose

of improving and replacing bridges and their abutments on such roads and highways Said money shall be paid on warrant drawn on the State Treasurer by the Auditor General and shall be disbursed under the direction of the Supervisors of Elk Township.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Stevenson,
Bartlett,	DiSilvestro,	Lanius,	Stiefel,
Becker,	Ealy,	Letzler,	Tallman,
Carr,	Edmonds,	Mallery,	Taylor,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Hoinsher,	Shapiro,	Wilson, H. I.,
Deitrick,	James,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1189, as follows:

A Joint Resolution proposing an amendment to section four article two of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section four article two of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 4 The General Assembly shall meet at twelve o'clock noon on the first Tuesday of January every year and at other times when convened by the Governor

The members of the General Assembly shall receive such salary for annual and special sessions as shall be fixed by statute

The budget shall be an annual budget

And said bill having been read at length the third time, and agreed to.

On the question.

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Deitrick,	James,	Stiefel,
Bartlett,	Dent,	Lanius,	Tallman,
Becker,	Ealy,	Letzler,	Taylor,
Carr,	Edmonds,	Mallery,	Thomas,
Cavalcante,	Farrell,	McCreesh,	Tyler,
Chapman,	Frey,	Miller,	Wade,
Coleman,	Geltz,	Ruth,	Walker,
Cox,	Haluska,	Scarlett,	Watkins,
Crider,	Heyburn,	Snowden,	Wilson, H. I.,
Crowe,	Hoinsher,	Stevenson,	Ziesenheim,

NAYS—4

DiSilvestro,	Kephart,	McQuiddy,	Shapiro,
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A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. SHAPIRO. Mr. President, I desire to explain my vote "no" on this bill. This bill provides that there shall be an annual meeting of the Senate and the House. I am more inclined to believe that the less frequently we meet the better off the people of the Commonwealth of Pennsylvania would be. If this bill were to provide that the General Assembly should meet every four years, I would be happy to vote for it.

Mr. WALKER. Mr. President, I desire to explain why I voted in favor of this bill. This is not a bill to require us to meet annually, this is merely a joint resolution, proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, and such resolutions always go back for a vote by the people, and I am perfectly willing at any time to vote for any bill that will send it back for a referendum by the people. That is what we are here for, and I have absolute confidence in the determinations and conclusions of the electorate of Pennsylvania. If they think we should meet every year, they will so decide by this bill. After all, it is their problem and not ours.

RECONSIDERATION OF SENATE BILL No. 704,
(HOUSE BILL No. 837)

Mr. COLEMAN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 704, (House Bill No. 837), entitled:

An Act to further amend section one thousand seven hundred and four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" permitting the teaching in high schools and vocational schools of the theories of proper and safe operation of motor vehicles

was defeated finally, June 10, 1941.

The PRESIDENT. How did the Senator vote?

Mr. COLEMAN. Mr. President, I voted "aye" "nay."

Mr. SHAPIRO. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President I voted "aye" "nay"

On the question.

Will the Senate agree to the motion?

The yeas and nays were required by Mr. GELTZ and were as follows, viz:

YEAS—16

Coleman	Ealy,	Mallery	Ruth,
Cox	Frey,	McCreesh	Shapiro,
Dent,	Haluska,	McQuiddy	Stiefel,
DiSilvestro,	Lanius,	Mundy,	Walker,

NAYS—26

Bartlett,	Edmonds,	Miller,	Thomas,
Becker,	Farrell,	Scarlett,	Wade,
Carr,	Geltz,	Snowden,	Watkins,
Cavalcante,	Heyburn,	Stevenson,	Wilson, H. I.,
Chapman,	Homsher,	Tallman,	Wilson, T. B.,
Crider,	Kephart,	Taylor,	Ziesenheim,
Crowe,	Letzler,		

So the question was determined in the negative.

Mr. STIEFEL. Mr. President, I believe we committed an egregious mistake by defeating this motion, because today we may paraphrase an ancient expression.

In ancient Sparta they used to say a young man when he left his house should come back with his shield or under his shield. Today we may paraphrase this expression by saying you may come home in a machine but not under a machine. By teaching the youth of the Commonwealth how to drive and how to be careful you will reduce the number of fatal accidents on the highways of Pennsylvania, and I fail to understand how a measure of this kind has been defeated.

SENATE BILL No. 522 CALLED UP ON THIRD READING POSTPONED

Mr. HALUSKA. Mr. President, I now call up Senate Bill No. 522, entitled:

An Act to further amend the act, approved the third day of May, one thousand nine hundred thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by eliminating apprentices, and setting-up classification of junior operators; further regulating operators, junior operators and beauty parlors; setting up new period for expiration of certificates issued by board; permitting beauty culture schools in certain cases to charge for materials used in giving treatments to the public and imposing penalties.

On the question,

Will the Senate agree to the motion?

Mr. GELTZ. Mr. President, I object.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Philadelphia will state his point of order.

Mr. SHAPIRO. Mr. President, there can be no objection to the calling up of any bill. Any person has the right to call up a bill. After it is called up, we can act on it, but there can be no objection to calling it up.

Mr. GELTZ. Mr. President, this is on the postponed calendar. It can only be taken off by a motion.

The PRESIDENT. The Chair must rule any Senator has the right to call up for consideration any bill appearing on the Calendar, it is then up to the Senate to determine what action shall be taken thereon.

Mr. HALUSKA. Mr. President, I have called up Senate Bill No. 522 for final action.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 522, on third reading, be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. HALUSKA. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Cambria will state his point of order.

Mr. HALUSKA. Is it not a fact, Mr. President, that Senate Bill No. 522 now appears on the postponed calendar?

The PRESIDENT. It does.

POINT OF ORDER

Mr. WALKER. Mr. President, I rise on a point of order.

The PRESIDENT. Just a minute. There is a point of order now before the Chair for disposition.

Senate Bill No. 522 appears on the calendar in possession of the Chair and that is the interrogatory. The bill appeared on the postponed calendar, was called up by the gentleman from Cambria and now there is a motion by the gentleman from Allegheny, Mr. Geltz, seconded by the gentleman from Luzerne, Mr. Miller, that the bill be again placed on the postponed calendar.

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. HALUSKA. Mr. President, will the gentleman from Allegheny tell me why he insists that Senate Bill No. 522 be placed upon the postponed calendar.

Mr. GELTZ. Mr. President, I have talked with my colleague from Cambria County on several occasions with reference to this bill and I told him previously that I thought if he were patient and would wait, the possibility was there would be enough votes in the Senate to pass the bill. However, the gentleman from Cambria seems to be insisting on calling the bill up for action before it is ready for action, and for that reason I have moved that it be again placed on the postponed calendar.

Mr. HALUSKA. Why does the gentleman from Allegheny say that the mere fact that it be on the postponed calendar might give us sufficient votes? Does the gentleman from Allegheny have knowledge of how we are going to vote now?

Mr. GELTZ. That is what I thought, Mr. President, or I would not have made the statement.

Mr. HALUSKA. Mr. President, I am satisfied to have a test vote on the bill now and have it either defeated or passed on its own merits.

Mr. GELTZ. Mr. President, the mere fact that the gentleman from Cambria is the sponsor of this bill does not say he is the only one interested in the bill, one way or another, and therefore the whole decision should not be left up to him.

Mr. HALUSKA. Mr. President, about two and a half minutes ago I heard the gentleman from Allegheny ask

the Senator from Lackawanna to recall his motion to have the Senate Bill No. 911 go over in its order. He stated it was a Senate bill, that we are about to adjourn, and for that reason the bill should have action today. That holds true also with my bill; if you are going to pass this bill, pass it today; if it is your intention to kill it, kill it today.

I made a threat here last week to call up this bill every fifteen minutes. I did not go through with my threat but I might go further. I am now asking the courtesy of having this bill brought up. This is what I call political chicanery, nothing else, and if you intend to keep this bill on the postponed calendar, then of course I might ask that the clerk read all bills in full and we will have a show down. I have been fair, I have been honest, I have been courteous, I see no good reason why this bill should be placed on the postponed calendar and I am going to ask for a roll call. If I am defeated then of course I will go through with my threat of asking that every bill be read in detail until such time that this bill is taken from the postponed calendar and either passed or defeated.

Mr. MUNDY. Mr. President, in stating my position on this bill I want to say that I am willing to vote with the gentleman from Cambria to have this bill reconsidered, but I wish to state also I shall vote against the bill when it comes up for action. I think the gentleman from Cambria is entitled to have a vote on this bill.

On the question,

Will the Senate agree to the motion that Senate Bill No. 522 be placed on the postponed calendar?

Mr. MALLERY. Mr. President, I intended to vote to have the bill taken from the postponed calendar, but I do not like the threat of the gentleman from Cambria. I wonder if he would recall that threat to have the bills read at length, or I might reverse myself. I do not think that is right.

Mr. HALUSKA. Mr. President, it is not my intention to be smart or make many threats, but certainly I will not sit idly by. I might make the same remark I made last week and say, as did one of my colleagues, "It makes no difference if he is a hound, you must quit kicking my dog around." I have asked each and every one of my colleagues if they have any further amendments to offer on this bill that they do so, but they have dilly-dallied around now since May 14th, when this bill first came out of committee and certainly we have had sufficient time to be in a position to know what we wish to do with this bill. All that I am asking of my colleagues is an opportunity to have this bill passed or have it defeated. I will not see one of my bills placed on the postponed calendar and let it die automatically. If I am not entitled to that courtesy certainly I owe no courtesy to others and I will maintain my position and I will ask that every bill be read at length until such time as Senate Bill No. 522 be taken off the postponed calendar for final action.

The PRESIDENT. The question is on the motion of the gentleman from Allegheny, Mr. Geltz, seconded by the gentleman from Luzerne, Mr. Miller, that Senate Bill No. 522 be placed on the postponed calendar.

Mr. HALUKA. Roll call, Mr. President.

(During the calling of the roll the following occurred:)

Mr. MALLERY. Mr. President, having voted under a misapprehension I desire to change my vote. I thought

we were voting to take the bill from the postponed calendar.

The PRESIDENT. The vote is on the motion of the gentleman from Allegheny to return the bill to the postponed calendar.

Mr. MALLERY. Mr. President, I desire that my vote be recorded as "no".

The PRESIDENT. The vote of the gentleman from Blair will be so recorded.

Mr. DENT. Mr. President, I desire that my vote be recorded as "no".

The PRESIDENT. The vote of the gentleman from Westmoreland will be so recorded.

The yeas and nays were required by Mr. HALUSKA and Mr. DENT and were as follows, viz:

YEAS—24

Bartlett,	Detrick,	Homsher,	Tallman,
Becker,	Ealy,	James,	Walker,
Carr,	Edmonds,	Kephart,	Watkins,
Chapman,	Farrell,	Miller,	Wilson, H. I.,
Crider,	Geltz,	Scarlett,	Wilson, T. B.,
Crowe,	Heyburn,	Stevenson,	Ziesenheim,

NAYS—18

Caualcante,	Haluska,	McQuiddy,	Snowden,
Coleman,	Lanius,	Mundy,	Stiefel,
Cox,	Letzler,	Ruth,	Taylor,
Dent,	Mallery,	Shapiro,	Thomas,
Frey,	McCreesh,		

So the question was determined in the affirmative.

REPORTS FROM COMMITTEES

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations, reported as committed, Senate Bill No. 1043, (House Bill No. 571), entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred and forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor, the Auditor General, and the State Treasurer or the majority thereof.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 944, (House Bill No. 284), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1147, (House Bill No. 1337), entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of claims against the Commonwealth arising from failure to lease premises after owners thereof had been induced to expend money thereon.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1159, (House Bill No. 1570), entitled:

An Act authorizing the Department of Property and Supplies to have a certain number of copies printed of the Report of the Joint State Government Commission on the Organization and Administration of Pennsylvania's State Government; providing for the distribution and sale of such copies; imposing new duties on the Joint State Government Commission; and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1161, (House Bill No. 1659), entitled:

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons associations and corporations.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1138, (House Bill No. 502), entitled:

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania certain land which is the site of an old fortress known as Old Garrison in the City of Franklin Venango County or so much thereof as may be necessary as a historical memorial providing for the control management supervision and improvement thereof authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison and making an appropriation.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 1139, (House Bill No. 605), entitled:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof, under the supervision of the Department of Mines, for the purpose of developing new uses and markets for anthracite and bituminous coal.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 1194, (House Bill No. 1121), entitled:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1058, (House Bill No. 300), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving the replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania.

He also, from the Committee on Appropriations, reported as amended, Senate Bill 637, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for instruction and research in aeronautical engineering and for the acquisition, construc-

tion and maintenance of airport facilities as an aid to national defense and for other purposes; and empowering said trustees to enter into agreements with Federal officials or agencies with respect to the construction and use of such airports.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 979, (House Bill No. 1321), entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 982, (House Bill No. 1334), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 489, entitled:

An Act authorizing the Department of Property and Supplies to acquire by gift from the Pennsylvania State College, on behalf of the Commonwealth of Pennsylvania, that certain tract of land in Northumberland Borough, County of Northumberland, upon which is located the home of Joseph Priestley, and now the property of the Pennsylvania State College; providing for the control, management and maintenance thereof by the said department and the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to accept in trust from the American Chemical Society and other interested societies or individuals, such moneys as they may see fit to present to the Commonwealth to assist in the maintenance and development of this property as a permanent memorial; authorizing the Pennsylvania Historical Commission to accept as gifts or loan, such books, manuscripts, pamphlets, relics and furniture as interested societies or individuals may provide for the permanent utilization of the property as a museum of science; and making an appropriation.

Mr. THOMAS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS, from the Committee on County Government, reported as committed, Senate Bill No. 1069, (House Bill No. 1236), entitled:

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the township supervisors from time to time to make supplemental appropriations

Mr. MALLERY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY, from the Committee on County Government, reported as committed, Senate Bill No. 1123, (House Bill No. 1233), entitled:

An Act to amend section three hundred seventy of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eight classes and revising amending and con-

solidating the laws relating thereto" authorizing the county commissioners from time to time to make supplemental appropriations.

Mr. ZIESENEHIM. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZIESENHEIM, from the Committee on County Government, reported as committed, Senate Bill No. 1124, (House Bill No. 1235), entitled:

An Act to further amend section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government and institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing the commissioners of any county institution district from time to time to make supplemental appropriations.

Mr. HOMSHER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOMSHER, from the Committee on County Government, reported as committed, Senate Bill No. 1063, (House Bill No. 1234), entitled:

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing the township commissioners from time to time, to make supplemental appropriations.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, from the Committee on Judiciary General, reported as amended, Senate Bill No. 767, (House Bill No. 1095), entitled:

An Act to further amend section six of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nomination for appointment as a Notary Public, sent to the Senate, June 17, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EDMONDS. Mr. President, I second the motion.
The motion was agreed to.

The nomination was read as follows:

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 17, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James Z. Zimmerman, 545 William Penn Way, Pittsburgh, Allegheny County, for appointment as a Notary Public in the City of Pittsburgh, Allegheny County, for a term of four years to compute from the date of confirmation.

ARTHUR H. JAMES

NOMINATION FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EDMONDS, That the Senate do advise and consent to said nomination.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	Homsheer,	Scarlett,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Detrich,	Kephart,	Snowden,	Wilson, T. B.,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

REPORT FROM COMMITTEE

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL from the Committee on Appropriations, reported as committed, Senate Bill No. 1218, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one.

SENATE BILL No. 352 TAKEN FROM TABLE

Mr. JAMES. Mr. President, I move that Senate Bill No. 352, (House No. 1604), entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fourth and fifth class; imposing certain charges on counties, and prescribing penalties

be taken from the table.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The bill as amended will be noted on tomorrow's Calendar, June 18, 1941.

POINT OF INFORMATION

Mr. HALUSKA. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Cambria will state his point of information.

Mr. HALUSKA. Mr. President, should not Senate Bill endar, or it is placed upon the Caldendar automatically?

No. 352 be read in full before it is placed upon the Cal-

The PRESIDENT. It was.

Mr. JAMES. Mr. President, may I say for the information of the gentleman from Cambria, it came over from the House, and upon motion of the gentleman from Somerset it lay on the table in my absence.

Mr. HALUSKA. Mr. President, my point of information, which I am asking the Chair, is whether that bill must be read before it is placed on the Calendar or whether that is done automatically.

The PRESIDENT. The bill was placed on the table temporarily and now it has been taken from the table. It will be on our next calendar.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 811 AND APPOINTS A COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 811, entitled:

An Act to further amend section three of the act

approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture, production, distillation, development use in manufacture denaturization redistillation rectification blending recovery re-use holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine

and has appointed Messrs. Poloski, Lovett and VonAllsburg, as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such a committee) to consider the differences existing between the two houses in relation to said bill.

MOTION TO READ BILL THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of Senate Bill No. 1218 reported from the Committee on Appropriations for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1218, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one.

Mr. HALUSKA. Mr. President, I insist that this bill be read at length.

The PRESIDENT. The Clerk will read this bill.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

(During the reading of the bill the following occurred:)

Mr. WALKER. Mr. President, may I request that the Senate be in order so that we may hear the reading of this bill?

The PRESIDENT. The Senate will be in order. The Clerk is entitled to be heard when he reads the bill,

MOTION THAT SENATE ADJOURN

Mr. HALUSKA. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon Eastern Standard Time, Wednesday, June 18, 1941.

Mr. CAVALCANTE. Mr. President, I second the motion.

POINT OF INFORMATION

Mr. WALKER. Mr. President, I rise on a point of inquiry.

The PRESIDENT. The gentleman from Allegheny will state his point of inquiry.

Mr. WALKER. Mr. President, I raise the inquiry as to whether there was a seconding of the motion made by the gentleman from Cambria. I did not hear the Senator from Fayette second the motion.

The PRESIDENT. The Chair did.

Mr. CAVALCANTE. I seconded the motion, Mr. President.

Mr. WALKER. I did not hear the seconding, Mr. President and I am simply asking the question.

On the question,

Will the Senate agree to the motion?

YEAS—8

Cavalcante,	Cox,	DiSilvestro,	McQuiddy,
Coleman,	Dent	Haluska,	Mundy,

NAYS—36

Barr,	Farrell,	Mallery,	Taylor,
Bartlett,	Frey,	Miller,	Thomas,
Becker,	Geltz,	Ruth,	Tyler,
Chapman,	Heyburn,	Scarlett,	Wad.,
Cridger,	Homsher,	Shapiro,	Walker,
Crowe,	James,	Snowden,	Watkins,
Deltrick,	Kephart,	Stevenson,	Wilson, H. I.,
Ealy,	Lanius,	Stiefel,	Wilson, T. B.,
Edmonds,	Letzler,	Tallman,	Ziesenheim,

So the question was determined in the negative.

APPOINTMENT OF COMMITTEE OF CONFERENCE TO HOUSE BILL No. 811, (SENATE BILL No. 1061)

Mr. EALY. Mr. President, I move that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Farrell, Ziesenheim and Ruth, to be said committee on the part of the Senate, and that the Clerk informs the House of Representatives accordingly.

MOTION TO READ BILL THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of Senate Bill No. 1043, (House Bill 571), reported from the Committee on Appropriations for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

Mr. HALUSKA. Mr. President, I request that the bill be read at length.

The PRESIDENT. That is not in order. The motion now before the Senate is that Senate Bill No. 1043, (House Bill No. 571), just reported from committee be read for the first time and that is the only matter now before the Senate.

The motion was agreed to.

Mr. HALUSKA. Mr. President, I request that the bill be read at length.

The PRESIDENT. The motion of the gentleman from Cambria is not necessary as the Constitution provides that shall be done.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1043, (House Bill No. 571), entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. SHAPIRO. Mr. President, for the purpose of the record only I wish to call attention to the fact that this bill appropriates the full amount of money which is intended to be allocated for the coming biennium for relief. There have already been appropriated by two separate previous bills certain sums, one of which was read today and one of which has already passed, making provisions for the months of June and July, I take it, out of that fund, and therefore I think the record should show the amount so appropriated will have to be diminished accordingly.

Mr. GELTZ. For the purpose of the record only, Mr. President, I think the Governor has already demonstrated he is able to use a pen and he is able to use a pen on this bill.

Mr. SHAPIRO. Mr. President, I do not desire to enter into a political discussion with the gentleman, but I disagree with the ability of the Governor in being able to use a pen, as I think he has used it in a very "unable" manner, if I may use that word.

SENATE BILL No. 818, (HOUSE BILL No. 1324), ON FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 818, (House Bill No. 1324), on final passage postponed, page 2 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. HALUSKA. Mr. President, I request that Senate Bill No. 818, (House Bill No. 1324), be read at length.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Philadelphia will state his point of order. However, the Chair is of the opinion he anticipates the point of order of the gentleman from Philadelphia.

Mr. SHAPIRO. Mr. President, my point of order is that this bill has already been read three times.

The PRESIDENT. The point of order of the gentleman from Philadelphia is well taken. The bill is now on final passage.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 818, (House Bill No. 1324), entitled:

An Act to further amend section thirty-two of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending, and consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll the following occurred:)

POINT OF INFORMATION

Mr. HALUSKA. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Cambria will state his point of order.

Mr. HALUSKA. My point of information, before the result of the roll is announced, is that it is my understanding, without questioning the legality of this bill, that this bill was not read three times at length on three different days.

The PRESIDENT. Does the gentleman from Cambria rise on a point of information or a point of order?

Mr. HALUSKA. On a point of order, Mr. President.

The PRESIDENT. The point of order of the gentleman from Cambria is not well taken. The bill could not appear on final passage calendar unless it had been read three times.

Mr. HALUSKA. At length, Mr. President?

The PRESIDENT. Yes, at length.

Mr. HALUSKA. Mr. President, the record does not show that.

The PRESIDENT. The record shows the bill was read at length on three different days and the Senator can not go back of the record.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bartlett,	Deltrick,	Kephart,	Snowden.
Becker,	Ealy,	Lanius,	Stevenson,
Carr,	Edmonds,	Letzler,	Stiefel,
Cavalcante,	Farrell,	Mallery,	Tallman,
Chapman,	Frey,	McCreesh,	Taylor,
Coleman,	Geltz,	McQuiddy,	Thomas,
Cox,	Haluska,	Miller,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Ziesenheim,

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

POINT OF ORDER

Mr. HALUSKA. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Cambria will state his point of order.

Mr. HALUSKA. Mr. President, is it within my rights to now call up Senate Bill No. 522, which was placed on the postponed calendar today?

The PRESIDENT. The gentleman from Cambria has the right to call the bill up but it can not be called up because the bill must be reprinted. It will appear on the next Calendar of the Senate.

Mr. HALUSKA. Mr. President, I understand the gentleman from Allegheny, Mr. Geltz, moved that the bill be placed on the postponed calendar. It is my understanding the bill is now on the postponed calendar.

The PRESIDENT. The bill will be printed on the next Calendar of the Senate, not that of today.

Mr. SHAPIRO. Mr. President, I do not like to disagree with a ruling of the Chair especially because the rulings by the Chair have always been both fair and able but at the same time it is my understanding that any bill on the postponed calendar is not on today's calendar but it is postponed and can be called up at any time. In other words, Mr. President, this bill is on the postponed calendar; it was on the postponed calendar first and was taken off and then was placed back again on the postponed calendar. It is now on the calendar today.

The PRESIDENT. Not on this Calendar. The Chair anticipated that question and previously discussed it with the gentleman from Cambria, Mr. Haluska, privately, and with others, and as a result of that discussion it is the opinion of the Chair the bill can not be brought up for action today. However, in the event the Chair is mistaken and sustaining authority can be shown the Chair will be glad to recede from his position. The Chair does not want to establish a precedent.

Mr. EALY. My own point of view, Mr. President, is that while the bill is not on the printed calendar, yet it is in such shape that it can be called up. However, I am content to abide by the ruling of the Chair.

Mr. SHAPIRO. Mr. President, the postponed calendar is nothing more than a desk reference of the existence of certain bills, not on the calendar, but which are subject to call and therefore while we have printed on our calendar a bill that is on the postponed calendar it is really not on the calendar.

The PRESIDENT. The Chair will insist on its ruling and reserve the right to reverse the ruling if it can be shown authority. The Chair is not interested in this filibuster but merely intends to see that the rules of the Senate and the Constitution be carried out. All inquiries will be decided to the best of the Chair's ability.

REPORT OF COMMITTEE ON HOUSE BILL No. 404

Mr. WALKER. Mr. President, I am directed by the Committee of Conference to submit a report on House Bill No. 404, entitled:

An Act relating to marriage; and amending, revising consolidating and changing the law relating thereto.

Mr. WALKER. Mr. President, I suggest that the Senate now accept or concur in the report just submitted.

Mr. EALY. Mr. President, for the information of the Senators it has been our practice that these bills appear on the Calendar. Perhaps some of the Senators would like to examine this bill. However, I am satisfied if the

gentleman from Allegheny, Mr. Walker, wishes it to be done this way. I do not know whether any of the Senators wish to examine the bill again or not.

Mr. WALKER. Mr. President, I can appreciate the suggestion of the gentleman from Somerset, and I am of the opinion it would be much better practice to have the bill appear on the Calendar, because this is the much discussed marriage bill, and I am of the opinion some of the Senators, for old times sake, would like to look it over.

The PRESIDENT. The report will appear on tomorrow's Calendar.

Mr. WALKER. I might also suggest, Mr. President, the report I have just submitted is the official copy and that printed copies will be prepared so that they will be on the desks of the Senators tomorrow.

POINT OF INFORMATION

Mr. HALUSKA. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Cambria will state his point of information.

Mr. HALUSKA. Mr. President, in the event this bill is placed on the Calendar tomorrow, will it receive final reading today, in full, or tomorrow?

The PRESIDENT. Under the present ruling of the Chair, unless the Chair reverses himself, and he will if he finds authority to that effect, it will be on tomorrow's calendar.

Mr. HALUSKA. Then I request, Mr. President, the report be read in full today.

The PRESIDENT. To what bill is the gentleman from Cambria referring.

Mr. SHAPIRO. Mr. President, I think the gentleman from Cambria is talking about two different bills.

Mr. HALUSKA. Mr. President, the bill reported out today by the gentleman from Allegheny, Mr. Walker, the conference report, and I request that it be read in full today, or if possible, tomorrow.

Mr. HALUSKA. Mr. President, may I suggest to the gentleman from Cambria that the bill has been read at length three times and passed by the Senate, and that the report of the conference committee will be printed and placed on the desks of the Senators and it will be up to the Senate, and the only action the Senate can take is to accept or refuse to accept the report of the conference committee. The bill has been read three separate times in full on three separate days as required by law. I may say to the gentleman from Cambria that I personally have no objection to having the bill read in full. In fact, I would be glad to read it to him with gestures.

The PRESIDENT. The Chair wishes to call the attention of the Senator from Cambria, Mr. Haluska, to rule 20 of the Senate, 1941-1943:

"20. Every report of a committee of conference shall be printed together with the bill as amended by the committee, before action shall be had on such report."

Therefore, the report of the conference committee will be printed and placed on the Calendar for tomorrow.

Mr. HALUSKA. Mr. President, have I the right to request that the bill be read in full as reported out with the amendments?

Mr. WALKER. May I suggest to the gentleman if he made such a request it would be out of order, because

the bill has been read three times in full, on three separate days, as required by law.

Mr. HALUSKA. Mr. President, may I ask the Chair, whether tomorrow I will have the privilege of asking that this bill be read in full before it is finally voted upon.

Mr. MALLERY. I might suggest to the Chair that he might reply to the Senator from Cambria that sufficient unto the day is the evil thereof.

The PRESIDENT. The suggestion of the gentleman from Cambria is rather unusual.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order. The PRESIDENT. The gentleman from Philadelphia will state his point of order.

Mr. SHAPIRO. Mr. President, I do not think the Chair has anything more to do except to preside over the Senate, and the Chair can not make decisions for this Senate in advance. I therefore suggest, Mr. President, that a question of what we will do tomorrow is out of order.

The PRESIDENT. The point of order of the gentleman from Philadelphia is well taken.

Mr. CAVALCANTE. Mr. President, I think the confusion here is this, that the gentleman from Cambria is interested in whether or not the report of the conference committee has been read in full. Personally I did not hear the report read in full, because the clerk simply read some statements of the committee and then ended up with "the following bill," but he did not read the following bill.

The PRESIDENT. In order that we can decide that question and everybody shall know whether the report was read, the clerk will read it in full.

POINT OF ORDER

Mr. SHAPIRO. I object, Mr. President, and rise to a point of order.

The PRESIDENT. The gentleman from Philadelphia will state his point of order.

Mr. SHAPIRO. It is not a bill, Mr. President; it is a conference report. No bill can be read four times. Mr. President, a conference report is not to be read. There is nothing in the Constitution or rules which governs conference reports, other than that they lay on the table if the Senators approve. There is nothing requiring that conference reports be read.

Mr. CAVALCANTE. The bill is part of the report, Mr. President. Let the clerk read the bill.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a further point of order.

The PRESIDENT. The gentleman from Philadelphia will state his point of order.

Mr. SHAPIRO. Mr. President, my point of order is that there is nothing before the Senate. This report has been received and filed, and there is nothing before the Senate now.

The PRESIDENT. The gentleman from Philadelphia, Mr. Shapiro, has raised a point of order. The Chair has the report of the conference committee before him and

the line immediately preceding the signature of the conferees says: "Respectfully submit the following bill as our report." The point of order is well taken.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, June 18, 1941, at 12:30 o'clock, p. m. Eastern Standard Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:25 o'clock, p. m., Eastern Standard Time until Wednesday, June 18, 1941, at 12:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, June 17, 1941.

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Almighty God, Thou who hast made us of many kinds and hast given to every man his task with his skill, grant that each may trust the special endowment which is his, seeking his portion of that one Spirit which sustains the diversity of Thy gifts and operations.

Because Thou hast willed that we should be strong and not weak, we ask Thee to give each of us patience to endure the provings of our faith, and grant that we issue from them with deepest trust in Thee. Hear our prayer, O Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. GROSS, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. HERING and EDWIN A. LEE.

HOUSE BILL No. 1878.

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" as amended, by providing for the appointment of a deputy school treasurer, a deputy school controller and clerks to the school controller.

Referred to the Committee on Education.

By Mr. LEVY.

HOUSE BILL No. 1879.

An Act relating to the sale, transfer, assignment and pledge of choses in action and requiring the assignor of accounts receivable and choses in action to make appropriate record of the fact of such assignment and prescribing penalties for failure to do so.

Referred to the Committee on Banking.

By Messrs. COOPER and RONALD L. THOMPSON.

HOUSE BILL No. 1880.

An Act to add section three hundred twenty-eight to article three of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," defining the pension of rights and obligations of certain employes of second class counties when by operation of law such employes become State employes.

Referred to the Committee on Counties.

By Messrs. YESTER and MUNLEY.

HOUSE BILL No. 1881.

An Act to amend subsection (b) of section seventeen of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," further prescribing the days during which registrars must sit for registration purposes in such cities.

Referred to the Committee on Elections.

By Messrs. SKALE and VOORHEES.

HOUSE BILL No. 1882.

An Act to amend section seven of the act, approved the sixteenth day of May, one thousand nine hundred twenty-nine (P. L. 1780), entitled "An act to fix the salaries and compensation of the judges of Supreme Court, the judges of the courts of common pleas, the judges of the orphans' courts, the judges of the Municipal Court of Philadelphia, and the judges of the County Court of Allegheny County," by increasing salaries of certain judges.

Referred to the Committee on Judiciary Special.

By Messrs. YESTER and STOCKHAM.

HOUSE BILL No. 1883.

An Act directing the Governor to issue an annual proclamation calling for the observance of the twenty-first day of June, Daniel Carter Beard's Birthday, as "Youth's Day."

Referred to the Committee on Banking.

By Mr. SOLLENBERGER. HOUSE BILL No. 1884.

An Act to further amend subsection (c) of section seven of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by providing for the granting of a real estate broker's license to certain persons without examination.

Referred to the Committee on Professional Licensure.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 710. (HOUSE BILL No. 1885)

An Act to amend section six hundred twenty-nine of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections; the nomination of candidates, primary and election expenses and election contests, creating and defining membership of county boards of elections, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto, and repealing certain acts and parts of acts relating to elections," by changing the time for filing nomination certificates and nomination papers nominating candidates at special elections.

Referred to the Committee on Elections.

SENATE BILL No. 1114. (HOUSE BILL No. 1886)

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation.

Referred to the Committee on State Government.

SENATE BILL No. 1172. (HOUSE BILL No. 1887)

An Act making an appropriation to the Department of Health for the purpose of equipping and operating a sanatorium for the treatment of cancer and for cancer research.

Referred to the Committee on Appropriations.

SENATE BILL No. 1186. (HOUSE BILL No. 1888)

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 715. (HOUSE BILL No. 1889)

An Act to repeal certain obsolete acts relating to paupers and the management, control and operation of poor districts.

Referred to the Committee on Welfare.

SENATE BILL No. 823. (HOUSE BILL No. 1890)

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations, providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers of private bankers, and of the officers, directors, trustees, shareholders, attorneys and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments commissions and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers, liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons; and of officers, directors, trustees and employees of such corporations and persons.

Referred to the Committee on Banking.

SENATE BILL No. 1019. (HOUSE BILL No. 1891)

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphan School to acquire a certain tract of land for the use of said school and making an appropriation therefor.

Referred to the Committee on State Government.

SENATE BILL No. 1054. (HOUSE BILL No. 1892)

An Act to amend sections four, five, twenty-six, thirty, thirty-one and thirty-eight of the act approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission.

Referred to the Committee on Elections.

SENATE BILL No. 908. (HOUSE BILL No. 1893).

An Act to amend section seventeen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers,

and the costs thereof, the effects of their acts, and appeals, therefrom," further regulating proceedings before the register of wills and in the orphans' court.

Referred to the Committee on Judiciary General.

SENATE BILL No. 935. (HOUSE BILL No. 1894).

An Act to amend sections six hundred four, six hundred five, and six hundred seven and to further amend section two thousand four hundred seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further defining the duties of the Department of Internal Affairs.

Referred to the Committee on State Government.

RESOLUTION INTRODUCED AND REFERRED

By Mr. WOODRING.

(Concurrent) RESOLUTION No. 103

In the House of Representatives, June 16, 1941.

Whereas, It is the profound belief and conviction of the General Assembly of the Commonwealth of Pennsylvania:

That a decent and civilized society must be founded upon certain truths held in our Declaration of Independence to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness;

That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness;

That government is a fundamental condition of civilized society, and that the development of civilization has been inseparably and necessarily interrelated with the development of political sovereignty into larger and larger units, from tribes into cities, from cities into states, and from states into federations;

That the absence of government is anarchy and chaos, which are the antithesis of civilization, and that under a condition of anarchy and chaos the inalienable rights of mankind, enumerated in the Declaration of Independence, cannot survive;

That within the sphere of international society there is no government, but a condition of anarchy and chaos, and that incessant warfare is the inevitable handmaiden of anarchy among sovereign nations;

And that the rapid development of modern science has brought into being new weapons of warfare and new machines of destruction with powers of devastation

so extensive and so frightful that unless there ensues a corresponding political development, establishing international government in place of international anarchy, and properly restraining and directing the uses of scientific knowledge, human liberty and the inalienable rights of mankind, the democratic way of life, and civilization itself must soon be reduced to the dimensions of an episode in history; and

Whereas, by a concurrent resolution the Legislature of our sister State of North Carolina has lately memorialized the President of the United States and the Congress of the United States to undertake to establish an International Federal Union for the preservation of peace and freedom, and in so doing has earned the distinction of being the first legislative body in the world formally to endorse the growing movement for International Federal Union; and

Whereas, It is fitting and proper that the Legislature of Pennsylvania, upon whose soil was born the first and greatest Federal Union in history, a Union that has brought internal peace and security to a continent, should be numbered early among those legislative bodies sanctioning the principle of a Federal Union of the worldwide community of free peoples, with its reasoned promise of the rewards of a world peace and a world prosperity commensurate with our own; now therefore be it

Resolved, (if the Senate concur), That it is the intention and desire of the General Assembly of the Commonwealth of Pennsylvania:

That the President of the United States and the Congress of the United States be memorialized, and they are so memorialized, to commit the United States in principle to the creation of a Federal Union of Nations, to be known as the United Nations of the World, and to be based upon a written constitution as similar as may be to the Constitution of the United States;

That the United Nations shall be a sovereign state of delegated powers, deriving its authority directly from its people and exercising its authority directly upon individuals;

That the jurisdiction of the United Nations shall be limited to maintaining the peace and security of its members and citizens, to regulating trade and commerce among the nations, and to governing within the sphere of what has heretofore been known as international law; and that to these ends the United Nations shall maintain its own armies and navies and shall be endowed with the necessary incidents of sovereign power;

That the Government of the United Nations shall be organized into three coordinate branches, the legislative powers to be vested in a representative Parliament of two houses, the executive powers to be vested in an elected President, and the judicial powers to be vested in a Supreme Court, the whole to be surrounded by such safeguards of human liberty as are basic to American constitutional institutions;

That membership in the International Union shall embrace in the first instance the United States, Great Britain, Canada, Australia, New Zealand, and the Union of South Africa; and that in all cases where the standards of public enlightenment, the degree of civil and religious liberty, the capacity for representative government, and the tradition in support thereof, are substantially the same as those prevailing in the foregoing nations, additional nations shall be admitted into the Union as rapidly as circumstances shall permit;

That the United States shall be admitted into the United Nations under a procedure scrupulously in accord with the requirements of the American Constitution, a ratifying amendment to which shall be submitted by the Congress to the American people for their approval after fullest debate;

That the Senators and Representatives of Pennsylvania in the Congress of the United States be requested, and they are so requested, to introduce and labor in behalf of such measures in the Congress as shall further the

purpose to which this concurrent resolution is addressed; and

That the Chief Clerk of the House be instructed, and he is so instructed, to send copies of this concurrent resolution to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Senators and Representatives of Pennsylvania in the Congress of the United States, to the Secretary of State of the United States, to the Governor of the Commonwealth, to the Governor of each of the other States of the Union, and to the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa.

Referred to the Committee on Rules.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

EDUCATIONAL SURVEY COMMISSION

Communications, telegrams and postal cards from citizens of Pennsylvania opposing passage of Senate Bill No. 559, creating a joint legislative commission to be known as the Educational Survey Commission.

Referred to the Committee on Appropriations.

SALARIES OF PUBLIC ASSISTANCE EMPLOYEES

Communications, telegrams and postal cards from citizens of Pennsylvania urging passage of House Bill No. 777, providing for increases of salaries of certain employees of the Department of Public Assistance.

Referred to the Committee on Appropriations.

RICKETTS GLEN

A communication from the Pennsylvania Parks Association, Philadelphia, favoring passage of House Bill No. 611, providing for acquisition of Ricketts Glen as a State Park.

Referred to the Committee on Appropriations.

PROFESSIONAL LICENSING

A communication from Lee P. Hynes and Howard S. Hipwell, Philadelphia, opposing reduction in professional licensing appropriation.

Referred to the Committee on Appropriations.

MOTOR LICENSE FUNDS

A communication from The Automobile Club of Philadelphia, favoring passage of House Bill No. 733, prohibiting diversion of motor license funds.

Referred to the Committee on Constitutional Amendments.

SCHOOL CODE

Communications, telegrams, resolutions and postal cards from citizens and organizations of Pennsylvania opposing passage of House Bills Nos. 1357, 1445 and 1746.

Referred to the Committee on Education.

COPY OF SENATE BILL No. 782.

Mr. FALKENSTEIN. I move that the Chief Clerk be directed to request the Senate to furnish the House with

a duplicate copy of Senate Bill 782, Printer's No. 273, (House Bill No. 1690) which was referred to the Committee on Public Utilities in the House on Monday, May 26, 1941; the original bill having been lost and that the Committee on Public Utilities be authorized to consider the duplicate copy of said bill in lieu of the original.

The motion was agreed to.

The SPEAKER. The Chair directs that the Chief Clerk deliver to the Chairman of the Committee of Public Utilities, when received, the certified copy of the bill.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 869.

An Act to amend the act approved the fifteenth day of July one thousand nine hundred thirty-six (P. L. First Extraordinary Session 47) entitled "An act to enable persons associations partnerships and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confessions of judgments regulating the assignment and release of such mortgages and designating the operation and effect of the lien of such mortgages" by extending enlarging and removing the limitations from the class of those who may become chattel mortgagees by making further provision respecting fees of recorders of deeds in connection with chattel mortgages extension of the lien of said mortgages and defaults of said mortgages and by defining violations and prescribing penalties

HOUSE BILL No. 251.

An Act to amend section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532), entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth; and to provide for the administration thereof," by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer; and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employee or any other party in interest against the fund.

HOUSE BILL No. 179.

An Act validating the title to real estate purchased at judicial sales for unpaid taxes or municipal assessments, where there is a defect in the names of the parties in certain cases; and providing certain exceptions.

HOUSE BILL No. 739.

An Act to further amend paragraph six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties." by further defining State employee.

HOUSE BILL No. 834.

An Act requiring persons selling "merchandise" as herein defined, to place weighing and measuring devices in full view of the purchasers; imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures; and providing penalties.

HOUSE BILL No. 322.

An Act making an appropriation from the Game Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Game Fund.

HOUSE BILL No. 333.

An Act making an appropriation from the Fish Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Fish Fund.

HOUSE BILL No. 347.

An Act making an appropriation from the Banking Department Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to the State employees receiving compensation from the Banking Department Fund.

HOUSE BILL No. 378.

An Act making an appropriation to the Chief Clerk of the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940.

HOUSE BILL No. 1230.

An Act to further amend section one and to amend section three of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 730), entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties" by excluding certain juices and combinations of juices from the operation of the act; and requiring separate registration for each bottling or manufacturing plant.

HOUSE BILL No. 1330.

An Act making an appropriation from the State Stores Fund to the State Employees' Retirement Board, to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Stores Fund.

HOUSE BILL No. 1332.

An Act making an appropriation from the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund.

HOUSE BILL No. 1343.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

HOUSE BILL No. 1344.

An Act making an appropriation of moneys in the Motor

License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

HOUSE BILL No. 1345.

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Workmen's Insurance Fund.

HOUSE BILL No. 1463.

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, facilities of the Authority or for the services rendered by the Authority or its projects.

HOUSE BILL No. 1331.

An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund.

HOUSE BILL No. 1470.

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

HOUSE BILL No. 1493.

An Act to amend the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled, "An act providing that appointive officers and employees, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy; directing that one half of the salaries or wages of such officers or employees as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively, and providing for the compensation of such substitute by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employees under certain circumstances.

HOUSE BILL No. 1636.

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government

HOUSE BILL No. 1670.

An Act validating the action of cities of the third-class in constructing sections of their sewer systems outside of their territorial limits and making such sections lawful sewers of such cities

HOUSE BILL No. 525.

An Act amending, revising, consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds, as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds, regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and the officers of political subdivisions; imposing penalties; and repealing existing laws.

HOUSE BILL No. 717.

An Act relating to criminal procedure providing for the securing of attendance of witnesses from within or without the State in criminal cases and making uniform the law in reference thereto

HOUSE BILL No. 960.

An Act to amend sections one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" by further defining sausage making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers and duties on the Department of Agriculture

HOUSE BILL No. 1676.

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1518), entitled, as amended "An act regulating the construction, equipment, maintenance, operation and inspection of elevators; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing fees for inspection of elevators, certificates of operation, and approval of plans; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by defining and making further provision relative to the installation and use of "man lift" elevators.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. YESTER, from the Committee on State Government, reported as committed, House Bill No. 1720, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

Mr. McDERMOTT, from the Committee on State Government, reported as committed, House Bill No. 1336, entitled:

An Act authorizing and directing the Department of Property and Supplies to reprint the Report of the Commission to Locate the Sites of the Frontier Forts of Pennsylvania; and providing for the distribution thereof.

Mr. ROSENFELD, from the Committee on Judiciary Special, reported as committed, House Bill No. 1703, entitled:

An Act limiting the amount of costs of prosecution payable by persons, when appeals from the payment of fines for summary convictions, are not sustained.

Mr. McFALL, from the Committee on State Government, reported as committed, House Bill No. 1501, entitled:

An Act authorizing the Secretary of the Department of Forests and Waters to lease a tract of land in Jackson Township, Dauphin County to the Susquehannock Indian Tribe.

Mr. O'MULLEN, from the Committee on Motor Vehicles, reported as committed, House Bill No. 1747, (Senate Bill No. 788), entitled:

An Act to amend sections one and two of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereof; and providing for the suspension of the registration of any motor vehicle, or of the operator's license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public service utility company law; authorizing the recission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle.

Mr. WILLIAMS, from the Committee on Motor Vehicles, reported as committed, House Bill No. 1804, (Senate Bill No. 1023), entitled:

An Act to further amend Section 1033 of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of motor vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," extending the provisions of such section for a further period of two years.

Mr. PROSEN, from the Committee on State Government, re-reported as amended, House Bill No. 1661, entitled:

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred thirty-nine (P. L. 111), entitled "An act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the

balance of its current appropriation to, the Department of Commerce; and repealing certain laws," providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

Mr. FINESTONE, from the Committee on Public Utilities, reported as committed, House Bill No. 1690, (Senate Bill No. 782), entitled:

An Act to further amend subsections (a), (b) and (c), of section one thousand two hundred and one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings; and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing, upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," further providing for assessment of regulatory expenses upon public utilities.

Mr. MUNLEY, from the Committee on Motor Vehicles, reported as amended, House Bill No. 924, entitled:

An Act to amend section four hundred two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles

and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," further regulating the registration of motor vehicles.

Mr. READINGER, from the Committee on Rules, reported as committed, Senate Concurrent Resolution Serial No. 131.

Mr. PRESLEY N. JONES, from the Committee on Cities—Third Class, reported as committed, House Bill No. 1161, entitled:

An Act requiring cities of the third class to allot the sum of sixty dollars to all uniformed officers and men employed in the police department, fire department and health department for the purchase of their prescribed uniforms.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. BRETH for himself for the remainder of the week after tomorrow's session.

Mr. FINNERTY for himself for the remainder of the week after tomorrow's session.

Mr. MARKS for himself for the remainder of the week after tomorrow's session.

Mr. LEONARD for himself for the remainder of the week after tomorrow's session.

Mr. COCHRAN for himself for the remainder of the week after tomorrow's session.

Mr. BAUGHER for himself for the remainder of the week after tomorrow's session.

Mr. RANK for himself for the remainder of the week after tomorrow's session.

Mr. HOLLAND for himself for tomorrow's session.

DICKSON CITY JUNIOR HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Dickson City Junior High School, Lackawanna County.

CONDOLENCE RESOLUTION

Messrs. YESTER, McMILLEN, HELM, BENTZEL and McCLESTER offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, June 17, 1941.

Last week, on June 11th, there passed away, at the age of ninety years, a man who was dear to the hearts of innumerable men and boys throughout the world. This man was Daniel Carter Beard, internationally recognized as a leader in the far flung Boy Scout organization, and one of the early pioneers in the outdoor movement for boys.

Daniel Beard, along with Lord Baden-Powell and Ernest Thompson Seton, recognized that an appeal had to be made to the adventurous spirit and imagination of young boys—so Scouting was developed.

Known affectionately to thousands of Scouts, Scout leaders and former Scouts as "Uncle Dan" because he typified the Scout spirit, he at one time declared "I would rather be a Boy Scout than a dictator, king or even the president of the U. S. A."

Born in Cincinnati, Ohio, June 21, 1850, he spent his early life in that city and in Covington, Kentucky. Much of his boyhood was passed in a country where the memory of Daniel Boone's exploits was common to every household.

He became a surveyor and traveled extensively. When he came to New York he discovered his ability as an artist and illustrator of animal life and for a number of years made sketches of animals and wild life while studying art in the evening. Later he started writing stories and articles to accompany his sketches and for a number of years was a constant contributor of both illustrations and manuscripts to various magazines.

He became interested in the boyhood of the city and when he became editor of "Recreation" was able to put to effect some of his ideas and founded the Sons of Daniel Boone.

Thereafter he devoted himself and his talents to the service of boys, becoming identified with the Boy Scouts of America as National Scout Commissioner. He was also Honorary Vice President of the Boy Scouts of America, and Chairman of the National Court of Honor. He was the author of some twenty books for boys, was an associate editor of "Boy's Life" magazine published for all boys of the Boy Scouts of America.

He was a member of several zoological societies and president of the Illustrators and Camp Fire Club of America. He received the Roosevelt gold medal for distinguished service awarded in 1927; also the Silver Buffalo of the Boy Scouts of America; and the Silver Wolf, the highest of the British Boy Scouts Association decorations. He was proudest of all of his gold Eagle badge, the only one ever presented by the Boy Scouts of America. He was vice president of the American Forestry Association, associate member of the American Museum of Natural History, Chief Scout of the Department of Woodcraft of Culver Military Academy and a member of many clubs and organizations; be it therefore resolved, That the House of Representatives of the Commonwealth of Pennsylvania pay fitting tribute to the memory of a great benefactor of youth and a man whose years of leadership and activity in the Boy Scout movement has served to enrich and improve the character of thousands of boys; and that this commemorative resolution be spread upon the journal of this House; and be it further

resolved, That a duly certified copy of this resolution be forwarded to his family, to the Honorary President of the Boy Scouts of America, Franklin D. Roosevelt and to each of the twelve Regional offices of the Boy Scouts of America in the Commonwealth of Pennsylvania.

PERMISSION TO ADDRESS HOUSE

Mr. McFALL asked and obtained unanimous consent to address the House.

Mr. Speaker, in this day and age when all over the United States strikes have taken place in many industries because of low and inadequate wages being paid, particularly to common labor, I am calling, Mr. Speaker, the attention of the good people of the state of Pennsylvania to the fact that there is an army of faithful laborers whose work is looking to the welfare and safety of the millions of users of our public highways of the state. These men through rain or sunshine—through the hot days of summer and the cold of winter—are out at all hours of the night to make roads pass-

able during blizzards or to clear obstructions caused by summer storms, and these men receive the magnificent wage of forty-five cents per hour. Now there is no question that this wage is far below the wages received by laborers in public works, or other employment. I am, therefore, Mr. Speaker, offering the following resolution asking for an increase of five cents per hour for all laborers who work on our State Highways . . .

The SPEAKER. The gentleman asked consent to address the House and not to offer a resolution.

Mr. McFALL. Mr. Speaker, I wish the remarks to be spread on the Legislative Journal.

The SPEAKER. The remarks will be spread upon the Journal. The gentleman has the floor. He may proceed with his remarks.

Mr. McFALL. Mr. Speaker, I am sorry if I have in any way transgressed on the rules of the House.

The SPEAKER. The Chair was simply trying to guide the gentleman.

Mr. McFALL. Mr. Speaker, I ask unanimous consent to offer the resolution.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

PERMISSION TO ADDRESS HOUSE

Mr. HARKINS asked and obtained unanimous consent to address the House.

Mr. Speaker, I rise at this time to express my opinion upon certain measures concerning which there has been much debate and much newspaper publicity in the last few days. Prior to entering upon this discussion let me say, Mr. Speaker, that so far in this discussion in this session of the so-called subversive teachings, there has been no question raised as to the patriotic intent of any Member of this assembly, and I feel that it is well that we men here in our deliberations and in our discussions are still able to preserve that American custom and that heritage which we have of considering such problems in all of their aspects.

Mr. Speaker, much has been said in the last few weeks and last night concerning the question of amending the Teachers Tenure Act to provide for the dismissal of teachers who are charged with subversive or un-American teachings. Many people have spoken to me concerning the various bills which, it is supposed, would, if passed, eliminate from the schools those people who would betray the children entrusted to their care by teaching that the principles upon which this country was founded, and for the continuation of which we are today engaged in the task of conscripting a huge army, are not worthy of preservation for future generations. There have been none, however, who have been able to define what subversive teaching is or what it means, despite their opposition to it. From these conversations I have learned that most of the proponents of these bills would not hesitate to dismiss any teacher who was suspected of teaching anything not acceptable to the personal judgment of the individual critic. It is interesting to note that many people state that no one knows whether subversive teachers can be dismissed under the terms of the Teachers Tenure Act. In my opinion, there is no doubt that subversive teachers can be removed under the Teachers Tenure Act. The crux of the matter is that no one knows just what subversive teaching is. The difficulty, there-

fore, does not lie in whether or not subversive teachers may be dismissed, but in determining what subversive teaching is and what it is not. In my opinion, there is definitely no doubt that teachers are not hired to teach subversive or un-American doctrines and, therefore, if any teacher teaches anything which is subversive, she can be dismissed as an incompetent person—one who does what she is not supposed to do. Incompetency may be the failure to do something which should properly be done, or the failure to do properly something which should be done or the doing of something which should not be done. I would classify a teacher who teaches subversive doctrines as one who is doing something that should not be done; therefore, as an incompetent teacher.

It may be argued that in the teaching of the social science courses or history courses or civics or problems of democracy, that it is hard to distinguish, from the printed word alone, just what is meant as the teacher may enunciate or change the meaning of certain words by different inflections or intonations of her voice or by individual mannerisms. This is not a valid objection and any superintendent or supervising principal worthy of the position which he fills would, if he properly supervised his classes, soon eliminate any misunderstandings which might arise through oversight or slight carelessness on the part of an honest teacher; likewise any superintendent or supervising principal could quickly determine if a teacher was actually guilty of subversive teaching.

I note with interest the statement of Dr. Alexander J. Stoddard, superintendent of public schools of the city of Philadelphia, who on June 10, 1941 was quoted in the Philadelphia Inquirer as saying,

"Somehow, the United States must get the last Communist and Fascist school teacher out of its school systems. I favor legislation on this subject, provided it will help rid the schools of Communists and Fascists, but at the same time will not open the door to possible persecution of other people who are merely exercising their American right to differ with one another. I have not studied the (school) Bills pending in Harrisburg, but with their spirit and objectives I am in full accord."

Dr. Stoddard is not alone in his desire to see that subversive teachers do not influence the lives of the young. However, there are many who believe it is wise to study these bills and others of the same type before placing them on the statute books.

I am likewise interested in another statement of the same gentleman, Dr. Alexander J. Stoddard, superintendent of Philadelphia schools who in a dispatch of the Philadelphia Inquirer, dated Atlantic City, February 26, 1941, speaking as Chairman of the Educational Policies Commission of the National Education Association, stated:

"The teachers and school administrators of America will not be the last to surrender to the attack on freedom—they will never surrender to it. We intend to continue to teach that our American democracy is an infinitely precious heritage that we must preserve at all costs. We intend to continue to teach that the national heroes of our country were red-blooded men and women and not little 'tin gods' who could never under any circumstances make a wrong decision. We intend to continue to express the faith that men and women can govern themselves and can maintain a great system of schools. We intend to continue to deal with important controversial questions in our schools, in order that children may know something about the problems of our country, remembering that they are the children of a free people, children who are them-

selves destined to inherit the great tradition of human dignity and human liberty. Subversive means 'to overthrow from the foundation', and what is the foundation of our democracy? It is not in the last analysis the intelligence, judgment, information and education of all the people? This is not just a question of one textbook or another. The challenge that faces us is one of keeping faith with the American people and the ideals which they cherish. The American people, if given access to the facts, and if they are not stampeded by false propaganda, want their schools to be free institutions. We extend cooperation to every honest and well informed effort to improve the schools, but we are prepared to repel any attempt to divide the American people and shake their confidence in their schools."

It is a well known fact that the Committee of Seven of a Civic Organization, which functions in the City of Philadelphia, has expressed an opinion during an exhaustive investigation which in effect says that the textbooks of Harold O. Rugg, whose use is contended by some people, are not un-American and are proper books for use in schools where it is the desire and wish of the school boards to adopt them. I want to make clear that I have no interest in whether the Rugg books are used in the school or not, so I have no desire to defend them. However, if you remove the Rugg books, you will then be called upon to remove some other set of textbooks and then another set of textbooks, as there will always be some person ready to campaign against anyone whose ideas in any way offend him. Some time ago I received a letter from a person out in Colorado who speaking of an act designed to ban Rugg books said, "I feel that the act is excellent but that it also might have been more general to cover the whole social science field or any books written by Harold O. Rugg, George Counts, Charles A. Beard, John Dewey and any books written by or in part by the Progressive Education Association or the National Education Association." I read this quotation to indicate the extensiveness of what the man wishes to ban; he wishes to ban anything written by or in part by the National Education Association and I suppose he would also include, therefore, anything written by or in part by any member of the National Education Association. This is utterly ridiculous. In the Evening Bulletin of Wednesday, June 11, 1940, we see an editorial, "The House at Harrisburg has in consideration a Bill passed by the Senate which would definitely give the authority to dismiss teachers who engage in 'un-American or subversive activity.' The phrase is a broad one. It might be construed to allow persecution of teachers who merely hold opinions not popular with superintendents and school boards."

I stated a few weeks ago on the floor of the House that the following statement if made today in the classroom would certainly be sufficient to cause a teacher to be suspected of subversive or un-American activity. However, when we look into the record we find that the remarks were made by Abraham Lincoln in his first inaugural address on March 4, 1861. "If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might, on a moral point of view, justify revolution—certainly would if such a right were a vital one." And likewise when Abraham Lincoln, as a member of Congress, speaking in the United States House of Representatives, January 12, 1848, made the following statement, "Any people are

ere being inclined and having the power have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable, a most sacred right—a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can may revolutionize and make their own of so much of the territory as they inhabit. More than this, a majority of any portion of such people may revolutionize, putting down a minority, intermingled with or near about them, who may oppose this movement. Such minority was precisely the case of the Tories of our own revolution. It is a quality of revolutions not to go by old lines or old laws; but to break up the old, and make new ones." Would either one of these quotations today sound patriotic if we believed them to be those of a teacher not too popular? There are many today who would say those words are definitely subversive and anyone uttering them would be dismissed from the school system.

The Constitution of the Commonwealth of Pennsylvania provides that the General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools. Ladies and gentlemen, we will not maintain an efficient system of public schools by making the conditions under which our teachers teach, so restrictive that people of ability will not take part therein. People whose fidelity and loyalty to the Constitution and the Government of the United States are unquestioned will not willingly place themselves in a position where they are some irresponsible person or some inefficient superintendent can, because of personal dislike, subject the teacher to humiliation and, if possible, disgrace and dismissal. The children of our Commonwealth will discuss these problems in their homes, they will hear them discussed on the radio, they will discuss them among themselves on the street corners and in their own groups and clubs and in my opinion, it is much better if these controversial questions would be discussed in the schools under the leadership and intelligent direction of teachers. The treatment of the subject will not only be fair and impartial but will be free from repression, evasiveness or denial of the possibility of persecution and inquisitorial investigations.

In conclusion, it is hard for me to understand how a teacher could be guilty of subversive teaching without violating the Sedition Laws on the statute books of our Commonwealth. The provisions of the Sedition Act are so broad and comprehensive that in my opinion a teacher guilty of subversive teaching would be guilty of sedition and could, therefore, be dismissed upon conviction thereunder the present Teachers Tenure Act.

Whatever action is taken by this legislature should apply to teachers only, not to the Revenue Department only, not to the Insurance Department only, not to the Department of Public Instruction only, but should apply to all state employees and perhaps to all Municipal and City employees as well. Whatever is good enough for all state employees is good enough for the teachers of Pennsylvania. We ask no special indulgence, but demand the same legal protection before the law as all other state employees.

Now, Speaker, there has been much discussion lately concerning these bills due to the fact that in the community

known as Wilmerding in the County of Allegheny there recently was a teacher dismissed because of the signing of a nomination paper of a person who was a candidate for office on the Communist ticket. From the newspaper reports which I have read concerning this case, I understand that this was not a primary petition but was a nomination paper which placed the name of this Communist candidate upon the general election ballot. There was much delay in the appeal being considered by the Department of Public Instruction so that several months have elapsed from the time that the appeal was taken until the past week when the decision was handed down, in which this teacher was reinstated. It appears that the Department of Public Instruction, acting through the Superintendent, decided that this particular teacher had done something which was his legal right to do. Without taking any position of defending a man with whom I am not acquainted, I wish to state that it seems in the interest of good legislation we should not here legislate by passing any act which would make a cause for dismissal an act which in its legal sense is a perfectly legal thing to do. If we are going to take any position we should first take the position of definitely making up our minds whether or not the party should be entitled to the privilege of the ballot. We should not go off on a tangent and indirectly punish an individual for doing an act which he has a perfect right to do.

Sometime ago, on March 17, I received from a group of people known as The Philadelphia Committee on Public Affairs, a letter relative to House Bill 205 which I think has some conclusions in it pertinent to the issue at hand. On this committee was a sub-committee composed of Dr. Edwin C. Broome, formerly Philadelphia Superintendent of Schools, Mr. Bruce M. Watson, former Secretary of Public Education and Child Welfare Association, and Dr. William Dodge Lewis, formerly Deputy State Superintendent of Public Instruction, and this sub-committee reported on the question of Dr. Rugg's books through the Philadelphia Committee on Public Affairs.

I wish to quote some excerpts from that particular letter or from that report. Speaking of those text books this sub-committee said:

"Our examination of the books has not discovered any statements, which, taken with the complete context, can be regarded as subversive of American ideals and principles.

"We have not found any statements which criticize our government, its policies, or its distinguished representative, which are not truthful statements of facts. Facts, both uncomplimentary and complimentary, are frankly stated, and the uncomplimentary statements are not unduly stressed.

"We have not found any statements, which taken in their entirety, advocate an overthrow of our government, or any revision of present principles and practices except by constitutional and democratic methods.

"We have not found any statements which could influence pupils to prefer any foreign form of government to ours or to wish to substitute for ours any foreign system."

The conclusion reached by this famous sub-committee is as follows, and I think this statement is a challenge to our democratic form of government:

"There are two ways whereby the principles of democracy can be subverted. First, by the subversive action of communists, fascists, or other groups directed towards the overthrow or the discreditment of

our government, or the destruction of the principles upon which it is established, by violence, treason or other unconstitutional methods. Second, by the usurpation by self-appointed minority organizations of the functions that have been delegated by the people to duly and legally constituted officers and boards.

"We are not prepared to say which is the more threatening to the preservation of American democracy as we understand it.

"Both should be vigorously combatted by all right-minded and patriotic citizens."

Mr. Speaker, I am making this statement because in the judgment of the Committee on Education of the House we have passed a bill which now is in the hands of the Senate Committee on Education, which would I believe, if passed by the Senate and placed upon the statute books, give all proper and necessary authority to the local school boards in handling the problem that presents itself to them.

House Bill No. 1156 which I sponsored in the House and which passed this House unanimously, I believe, is a bill which definitely places with the State Department of Public Instruction the duty of formulating a course of study which would inculcate in the children of Pennsylvania the truth of our democracy which we desire to preserve and to continue. If a teacher violated the course of study there would be ample reason for the school board to dismiss the teacher.

Retracing my steps for a moment to the situation at Wilmerding, I want to state that there is no bill in the Committee on Education today which as drafted would in any way have permitted the State Superintendent of Public Instruction to have dismissed that teacher for those imprudent acts which he had performed outside of the school system. Those particular acts were in no way connected with his teaching duties or with his activities in the classroom in any way, shape or form.

Mr. Speaker, there has been much mention made of telegrams which we received last evening which emanated from some officials of the American Legion. For the record I wish to state that I have on many occasions cooperated with the local branch of the American Legion, the local Post in my community, and I know that those gentlemen do not desire us to pass any bill here which would break down or tear down the fundamental guarantees which our Constitution gives to any citizen in the State.

I believe I made a proper statement a few weeks ago on the floor when I recommended that we consider as the bill most likely to accomplish the desires of all of us and to preserve the free right which we now have, that we consider House Bill 413. I understand that that bill was to be considered by the Committee on State Government this morning. I am not informed as to whether the bill has been reported out or whether it has not been reported out, but I can state for the newspapers and for the benefit of the groups interested that that particular bill so far is the only one introduced to this House which most likely will meet the objectives and the fair objectives of all the groups interested in the problem.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, so much has been said upon the floor of

this House in the last week or ten days in reference to these subversive bills in general that I hesitate to arise at this time to take the time of the House to say anything further. However, it seems to me that it is very pleasing in one respect that the gentleman from Allegheny appears now to have seen the light, and that at last he is getting busy about the question of these subversive bills.

I do not have any pride of authorship in the bill which I introduced in January of this year at the request of the School Director's Association of Pennsylvania, to amend the Teacher's Tenure Act in order that teachers might be dismissed from the public schools who are guilty of subversive or un-American teachings. It is rather interesting to me and conclusive of the psychology of the gentleman from Allegheny that although he has had these bills now for almost five months in his committee, and although they have been lodged there, he now says that the bills as they are, he feels, do not accomplish that which we desire.

The gentleman from Allegheny is astute enough to know if he believed in this amendment to the Teacher's Tenure Act, if he believed that it were necessary to protect our school children from subversive teaching, that he could have well prepared or he could have sought some of the rest of us in the matter, and in consultation we might have agreed upon the language of what the requirements were. I do not think we are so much concerned with language at this time. What the people of this state and country are concerned with is that they find that now there has been, as many of us have suspected for a long time, a festering sore in our public school system, a system of teaching, a course of education on the part of certain teachers in our schools and colleges to bend the wills and to bend the minds of our youth and of our children in these schools, to the way of thinking of these teachers. It isn't so much the question of the open declaration that they desire to overthrow this government with which we are concerned, because we know that that can be taken care of. It isn't that way that these people work; it isn't that way that the communists work; it is by incessant digging and digging and digging, spreading out the tentacles by which they inculcate in the minds of our children their subversive doctrines, in order that they might distrust our form of government, in order that they may distrust the economic system under which we live.

We know from the history of what has happened all over the world that they do not openly attack the system or the government or the form of government, but attack their ideals and then by slimy methods they inculcate in the minds of youth a dissatisfaction first, and a distrust next, until they have filled up their minds with the idea that the kind of government under which they live is an improper government, until they have sown the seed of revolution that they hope to reap in the future.

I think the gentleman on the other side of this House and particularly the Education Committee and others now are harkening to the voice of people. They should have heard it in January and February; it was certainly audible to many among us that they the people wouldn't long stand, and in the crisis with which we are faced at this time we cannot stand for any group of people in this country who are tearing down our system of government

who are trying to sow the seeds of distrust and dissatisfaction among our people.

Why this sudden tenderness for these teachers? For five or six years a group in Philadelphia has been trying to get rid of a subversive teaching group in the Philadelphia schools, and yet they couldn't get any action until this year. During this time these gentlemen have completely ignored the American Legion and various other organizations who have often said that they should be investigated, but from time to time they have said "We cannot get at it; we cannot get proof; there is no law that will let us get at it; there is no law that will permit us to banish these books." In these books they do not say that you should overthrow this government. I have read some of these books, not at great length unfortunately, but I have been able to pick out passages that to children ten or twelve or fourteen years of age cannot help but create doubt in their minds, because I think children of that age cannot help but be influenced by some phrase or some radical statement appearing in the text books.

Now, all of a sudden, after all this time, all this tenderness. For whom? Not for the great masses of the teachers of Pennsylvania who are trying to teach the children in the proper way, but for the benefit of a small group. That is who you are trying to protect. And now you come in here and say a bill should authorize the Department of Public Education to lay out a course for the teaching of patriotism and American ideals! Sure, that's all right but if that is true, why not amend the Teacher's Tenure Act? Why be so tender to this group, unless there is in the minds of the gentlemen on the other side a sympathy, with the ideals and teachings and things that they are teaching, a sympathy with the very "progressive mind," as they call it, of education, which is not in my mind progressive, but is in my mind teaching bent upon a particular end and a desire to achieve that particular end in order that they may remake and remold this form of government of ours.

You know that the Dies Committee and other organizations have found in our very departments in Washington men who have those ideals. There is no question in any man's mind that there is a group of leftists, as you call them, who would change this government for one similar to those on the other side under the Communistic banner.

Mr. Speaker, it seems to me that if we are going to go into this war, and I think we are going to go in to protect American ideals; if we are going to go in and save the democratic form of government in this world, we cannot stand to have any subversive group anywhere in our ranks, we cannot afford to have anyone at the present time teaching unpatriotic ways in our schools and in our colleges, nor to be in office in any of our institutions.

I was in New York on Friday with a group of men who were discussing Civilian Defense. They talked about what they were doing in the different states; they talked about plans for the future and what not, and if you have any idea that we are not going to be mobilized to the same degree as citizens, if you have any idea that we are not going to be mobilized just like an army of citizens here in this country for national defense, you are mistaking the times and what is coming in the very near future. At the conclusion of that meeting I said to the group, because I had not heard anything said about it, that there was any other program that was needed for

civilian defense, it was the immediate need for patriotism. The hour for criticism is past, the time is here when what the country needs is for every one of us to lay aside our particular ideas even if we think they ought to be changed. Now is not the time to express those things. This is the time we must all bend every effort, when we must mobilize every bit of our energy to the idea that we must get together shoulder to shoulder to defend America. We cannot have striking at the roots of our government in our public schools teachers who have ideas different from those which we hold and different from those which the great majority of the people hold.

The gentleman is talking about statements made by Abraham Lincoln. Certainly many of the statements made in our textbooks about similar subjects would be proper; there is no question about the facts as they were given by the gentleman from Allegheny, but on the other hand, Mr. Speaker, this is a time when I feel that we who believe in this American system of government, when we who believe in the ideals that were laid down by our forefathers, who believe in the Constitution that says we are guaranteed certain inalienable rights,—this is the time when we ought to make up our minds that those of us who believe in those ideals as handed down to us, those of us who believe that we have certain inalienable rights, that those of us who believe in the Constitution of the United States and the system of government that has been given to us, have a right to fight this little subversive group, this small minority,—because it is a small minority, who are trying to work from underneath to undermine us.

I was down in Indiantown Gap with a group of members of this House last week. I thought as I saw those 14,000 men housed there, how could we as legislators go home at the end of this session and leave those men there believing that we are willing to let exist in this country organizations and groups that are bent upon tearing down the system of government that they are giving up their time and may give up their very lives to defend. Is it fair to say to them "You go out on the military front, you go out on the defense front of this country of ours, go out for the defense of these institutions of ours while we sit supinely at home and say 'Oh you might hurt some teacher because some imaginary supernitendent who has a grudge will try to embarrass that teacher'."

I know that we have in our system of government a saying that it is better that one hundred guilty men go free than one innocent man be punished, but in times like these you must give up some of your rights, you must surrender some of your rights to the President of the United States, many of the rights that you would not give up at any other time. In times like these we are willing to give up some of our liberties, we are willing to give up some of our freedom, and surrender some of our rights in order to benefit the whole of this nation, so that we may hand down to our posterity that which was given to us.

So I think in these times we have a right to defend against these groups and that we should defend by every legislative device that it is possible to use. I do not like witch hunting, I do not like to curtail freedom of speech, I do not like to enforce upon teachers a certain restriction of their freedom, but the gentleman from Allegheny says concerning teachers that you have in the schools,

suppose you just take a notion that they are Communistic and that they are teaching subversion in the schools, he says in the event that happens you may dismiss them under this bill. Well, I went to public school in the city of Chester and I had a group of teachers, and there couldn't be any doubt as to the kind of teaching they were doing in the schools; there was no hint of subversive teaching among those teachers, no unpatriotic teaching. They were a very fine, sturdy type of American manhood and womanhood who stood before their classes and taught them. I believe we have many similar teachers, but unfortunately, in the last twenty years we have developed in this country through our colleges and through many of our teaching institutions a group of radical people, people of the left wing, as I call it, people of sentiment who go off into the stratosphere and try to bring into this country of ours that sort of teaching. I think it is time to put an end to it, and I know this House is ready to put an end to it, in fact I know that this Legislature is ready to put an end to it, and going to pass the kind of legislation that will enable the schools to dismiss a man like Gilles, who could not be dismissed by the Superintendent of Public Instruction under the present law.

An editorial in the "Pittsburgh Press" which I have read within the last few days says that if he can not be dismissed under the Teacher's Tenure Act, then we ought to amend the Teacher's Tenure Act.

The gentleman from Allegheny has sat five months on these bills, but before that he had no great desire to see legislation passed of this nature. He has never before said that the bill did not have the proper language; he has not sought to amend it in any way. The gentleman from Allegheny is now seeing the light in view of the things that have been said, and knowing the sentiment of the people that is being expressed in no uncertain terms. The gentleman from Allegheny should now get busy and see that these bills are passed.

RESOLUTIONS

DEFENSE EMPLOYMENT

Messrs. BROWN, EDWIN F. THOMPSON, SHEPARD, JEFFERSON, ALLMOND and YOUNG offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, June 17, 1941.

Whereas, At this session of the General Assembly, an act was passed and signed by the Governor, creating a State Council of Defense; which is to coordinate the defense activities of this Commonwealth with those of the entire Nation; and

Whereas, President Franklin D. Roosevelt, in order to make available our complete defense facilities, has publicly demanded that all discrimination against the employment of Negroes in defense industries cease immediately; and

Whereas, Any such discrimination against Negroes carried on in this Commonwealth, would tend to defeat the President in his effort for a complete national defense program; and

Whereas, It is in keeping with the great traditions of our Commonwealth that any such discrimination against Negroes be immediately eliminated; therefore be it

Resolved, That the House of Representatives requests the Governor and the State Council of Defense to im-

mediately issue an order removing any ban against the employment of Negroes in defense industries; and be it further

Resolved, That the Chief Clerk of the House mail a copy of this resolution to the Governor of the Commonwealth and to the Chairman of the State Council of Defense, so that this action may be immediately taken.

PRESIDENT COMMENDED

Messrs. BROWN, EDWIN F. THOMPSON, SHEPARD, JEFFERSON, ALLMOND and YOUNG offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, June 17, 1941.

Whereas, President Franklin D. Roosevelt, on Monday, June 16, 1941, called upon the Office of Production Management to see to it that all defense industries remove any ban against the employment of Negroes in such industries; and

Whereas, In his statement, the Chief Executive stated "I place the full support of my office to the effect that all holders of defense contracts are urged to examine their employment and training policies at once to determine whether or not these policies make ample provision for the full utilization of available and competent Negro workers," and

Whereas, President Roosevelt, by such a statement has continued the great tradition of our Country, and again restated one of the fundamental principles on which our Democracy is based; be it therefore

Resolved, That the House of Representatives commends the President of the United States for his restatement of one of the great humanitarian principles for which he stands; and be it further

Resolved, That the Chief Clerk of the House forward a copy of this resolution to the President of the United States upon its final adoption.

RECALLING HOUSE BILL No. 752 FROM THE GOVERNOR

Mr. CORDIER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 17, 1941.

Resolved (if the Senate concur), that House Bill No. 752, Printer's No. 333, entitled "An act authorizing cities of the second class A with the consent of the owners thereof to improve and beautify property adjoining or adjacent to State-owned hospitals within such cities," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

STATEMENT BY SPEAKER

The SPEAKER. For the information of the House the Chair desires to clear the table and get started on today's calendar which is very heavy. The Chair would ask the Members to withhold resolutions or requests to address the House until the business of the house has been completed.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1323.

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg, in exchange for the conveyance by said city of Wildwood Park to the Commonwealth providing for the transfer of said park to the Department of Forests and Waters and the use thereof by the department as a State park

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, at the end of line 11, by inserting after the word "park" the words "and by other departments boards and commissions for their respective purposes."

Amend Section 3, page 2, line 26, by inserting after the word "park" the words "and shall have power by inter-departmental agreements to permit the use of any portions thereof by any other department board of commission of the State government for use in connection with the activities administered by such departments boards or commissions."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	French,	Malloy,	Rosenfeld,
Allmond,	Gallagher,	Marks,	Royer,
Auker,	Gates,	Maxwell,	Rush,
Baker,	Gerard,	McClanaghan,	Sarge,
Balthaser,	Gillan,	McClester,	Sarrat,
Baugher,	Gillette,	McDermott,	Scanlon,
Bentley,	Goodwin,	McDowell,	Schwab,
Boles,	Greenwood,	McFall,	Serrill,
Boney,	Gross,	McGrath,	Shaffer,
Boorse,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Breth,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Mihm,	Stambaugh,
Burns,	Harkins,	Modell,	Stank,
Cadwalader,	Harmuth,	Monks,	Stine,
Chervenak,	Harris,	Mooney,	Stockham,
Chudoh,	Heatherington,	Moran,	Tarr,
Cochran,	Heim,	Moul,	Tate,
Cohen, M. M.,	Hering,	Muir,	Taylor,
Cohen, R. E.,	Herman,	Munley,	Thompson, E. F.,
Cook,	Hersch,	Nagel,	Thompson R. L.,
Cooper,	Hewitt,	Nunemacher,	Trout,
Cordier,	Hirsch,	O'Brien,	Turner,
Corrigan,	Holland,	O'Connor,	Van Allsburg,
Croop,	Huntley,	O'Dare,	Verona,
Cullen,	Imbrie,	O'Mullen,	Vincent,
Dalrymple,	James,	O'Neill,	Vogt,
Dennison,	Jefferson,	Owens,	Voldow,
DiGenova,	Jones, G. E.,	Petrosky,	Voorhees,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dolon,	Keenan,	Polaski,	Weingartner,
D'Ortona,	Lenahan,	Polen,	Welse,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rank,	Williams,
Eider,	Komorowski,	Rausch,	Winner,
Elliot,	Lee, E. A.,	Readinger,	Wolf,
Ely,	Lee, T. H.,	Reagan,	Wood, L. H.,
Falkenstein,	Lelsey,	Reese, D. P.,	Wood, N.,
Finestone,	Leonard,	Reese, R. E.,	Woodring,
Finnerty,	Lesko,	Regan,	Woodside,
	Levv,	Reynolds,	Wright,

Fliss,
Fleming,
Fletcher,
Flynn,
Floor,

Leydic,
Lichtenwalter,
Longo,
Lovett,
Lyons,

Rhea,
Riley,
Rooney,
Rose, S.,
Rose, W. E.,

Yeakel,
Yester,
Young,
Kilroy,
Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILLS NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 80.

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties" by further defining "contributions" to be paid by certain employers changing the procedure and administrative details for the determination and payment of compensation further regulating the appointment promotion dismissal suspension and furlough of civil service employees further defining the powers of and procedure before the board making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board and making the Administration Fund subject to certain charges.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILLS NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 381.

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising amending and consolidating the laws relating thereto" by authorizing the acquisition operation and leasing of aviation landing fields and airdromes by counties of the second third fourth fifth sixth seventh and eighth classes conferring certain powers of eminent domain upon such counties for the acquisition of lands for aviation

landing fields and airdromes authorizing such counties to appropriate for such purposes unredeemed lands purchased at tax sales providing for the jurisdiction of condemnation proceedings where lands are situated in more than one county authorizing such counties to act jointly with certain political subdivisions in the operation and maintenance of aviation landing fields and airdromes and providing for the expenditure of funds for such purposes in cooperation with certain State Federal or other public agencies

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House.

HOUSE BILL No. 358 TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 358, together with the message from the Senate which was laid on the table June 12, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 358.

An Act to further amend clauses three and four of subsection (b) of section 913 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to "elections" by further fixing the fee for filing nomination petitions in certain cases

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, at the beginning of line 16, by striking out "[4"; also in same line by inserting a light-faced bracket before the word "the"; also at the end of same line by inserting a light-faced bracket after the word "for" where it appears the second time in said line; also same page, line 20, by striking out the light-faced bracket after the word "no"; also same line by striking out before the word "filing" the word "No".

On the question,

Will the House agree to the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Auker,	Gates,	Maxwell,	Royer,
Baker,	Gerard,	McClanaghan,	Rush,
Balthaser,	Gillan,	McClester,	Sarge,
Baughner,	Gillette,	McDermott,	Sarra,
Bentley,	Goodwin,	McDowell,	Scanlon,
Boles,	Greenwood,	McFall,	Schwab,
Boney,	Gross,	McGrath,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbyshaw,	McLanahan,	Shepard,
Breth,	Haberlen,	McLane,	Simons,
Bretherick,	Haines,	McMillen,	Skale,
Brown,	Hall,	McSurdy,	Snyder,
Brunner, C. H.,	Hamilton,	Melchiorre,	Solienberger,
Brunner, P. A.,	Hare,	Mihm,	Sorg,
Burns,	Harkins,	Modell,	Stambaugh,
Cadwalader,	Harmuth,	Monks,	Stank,
Chervenak,	Harris,	Mooney,	Stine,
Chudoff,	Heatherington,	Moran,	Stockham,
Cochran,	Helm,	Moul,	Tarr,
Cohen, M. M.,	Hering,	Muir,	Tate,
Cohen, R. E.,	Kerman,	Munley,	Taylor,
Cook,	Hersch,	Nagel,	Thompson, E. F.,
Cooper,	Hewitt,	Nunemacher,	Thompson, R. L.,
Cordier,	Hirsch,	O'Brien,	Trout,
Corrigan,	Holland,	O'Connor,	Turner,
Croop,	Huntley,	O'Dare,	Van Allsburg,
Cullen,	Imbrie,	O'Mullen,	Verona,
Dalrymple,	James,	O'Neill,	Vincent,
Dennison,	Jefferson,	Owens,	Vogt,
DiGenova,	Jones, G. E.,	Petrosky,	Voldow,
Dix,	Jones, P. N.,	Pettit,	Voorhees,
Dolon,	Keenan,	Polaski,	Watkins,
D'Ortona,	Kenehan,	Polen,	Weingartner,
Duffy,	Kilne,	Powers,	Weiss,
Early,	Knoble,	Prosen,	Welsh, E. B.,
Eckels,	Kolankiewicz,	Rank,	Welsh, M. J.,
Elder,	Komorowski,	Rausch,	Williams,
Elliott,	Lee, E. A.,	Readinger,	Winner,
Ely,	Lee, T. H.,	Reagan,	Wolf,
Falkenstein,	Leisey,	Reese, D. P.,	Wood, L. H.,
Finestone,	Leonard,	Reese, R. E.,	Wood, N.,
Finnerty,	Lesko,	Regan,	Woodring,
Fliss,	Levy,	Reynolds,	Woodside,
Fleming,	Leydic,	Rhea,	Wright,
Fletcher,	Lichtenwalter,	Riley,	Yeakel,
Flynn,	Longo,	Rooney,	Yester,
Foor,	Lovett,	Rose, S.,	Young,
French,	Lyons,	Rose, W. E.,	Kilroy,
Gallagher,	Malloy,	Rosenfeld,	Speaker.
	Marks,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL No. 803 TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 803, together with the message from the Senate which was laid on the table June 12, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 803.

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" prohibiting the selling giving away or permitting or employing minors under fifteen years of age to sing dance act or exhibit in dance houses concert saloons theaters places of entertainment prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in tap rooms clubs cafes restaurants and eating houses where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 7, by striking out the word "fifteen" and inserting in lieu thereof the word "eighteen"; also same page, line 8, by inserting after the word "houses" the words "or in"; also at the end of the same line by inserting after the word "theaters" the word "or"; also same page, line 9, by inserting after the word "entertainment" the words "where or connected with which wines or spirituous or malt liquors are sold or given away."

Amend Section 1, page 2, line 7, by inserting after the figures "643" the word "Certain"; also at the end of said line by inserting light-faced brackets before and after the words "in Dance Houses"; also same page, line 10, by inserting light-faced brackets before and after the word and figures "fifteen (15)"; also same line by inserting after the figures "(15)" the words and figures "eighteen (18)"; also same page, line 12, by striking out "for in any" and inserting in lieu thereof the words "or in any"; also same page, line 14, by striking out the light-faced bracket before the word "where"; also same page, line 18, by striking out the light-faced bracket after the word "entrance"; also same page, line 19, by striking out "for any" and inserting in lieu thereof the words "or any such"; also at the end of same line by striking out "[or]" and inserting in lieu thereof the word "or".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Auker,	Gates,	Marks,	Rosenfeld,
Baker,	Gerard,	Maxwell,	Royer,
Balthaser,	Gillan,	McClanaghan,	Rush,
Baughner,	Gillette,	McClester,	Sarge,
Bentley,	Goodwin,	McDermott,	Sarra,
Boles,	Greenwood,	McDowell,	Scanlon,
Boney,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cocharan,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tarr,
Cohen, R. E.,	Herman,	Muir,	Tate,

Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrle,	O'Dare,	Van Allsburg,
Dairymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Keenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Wells,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Welsh, M. J.,
Elliott,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Lelsey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foor,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL No. 811 TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 811, together with the message from the Senate which was laid on the table June 12, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 811, entitled:

An Act to further amend section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery re-use holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 811

Mr. READINGER. Mr. Speaker, I move that the House

insist on its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. POLASKI, LOVETT and VANALLSBURG.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL No. 588 TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 588, together with the message from the Senate which was laid on the table June 12, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED SENATE BILLS NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 588.

An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof by prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments

Mr. READINGER. Mr. Speaker, I move that the House insist on its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

MR. O'BRIEN IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1217, entitled:

An Act regulating and establishing prevailing wage rates to be used by contractors employed by the Department of Highways in the construction of highways and street paving; and imposing certain duties on the Department of Highways.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1613, entitled:

An Act authorizing counties, cities, boroughs, towns, townships, school districts and county institution districts to install a system for the collection and payment of current taxes by the purchase at any time during the fiscal year of tax payment certificates by the taxpayers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1825, entitled:

An Act establishing a certain section of public road as a State highway; and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1178, entitled:

An Act providing that the compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1629, entitled:

An Act to further amend sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286), entitled as amended, "An act empowering cities, boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the authorization of indebtedness and interest thereon," taking away the power to enter into contracts with private corporations for the furnishing of sewer or sewage treatment services, and the imposition and collection of rentals or charges and the entry of liens in connection therewith.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1503, entitled:

An Act to amend section six of the act approved the day of , one thousand nine hundred forty-one, (Act No.), entitled "An act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class, on unpaid delinquent school taxes in school districts of the first class, and on unpaid delinquent poll, poor district, institution district and county taxes in counties of the second class; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens, and providing for the extension thereof," authorizing the sale of real property within the prohibited time for such sales, upon the consent of the owner thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1700, (Senate Bill No. 789), entitled:

An Act to amend section eleven of the act, approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Com-

mission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by expressly providing for administration of the Public Utility Law of June first, one thousand nine hundred and thirty-seven (P. L. 1053), by the Public Utility Commission; and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON FIRST READING NOT ON FILE

The SPEAKER pro tempore. House Bill No. 1577, (Senate Bill No. 561), Printer's No. 473, on page 3, of today's calendar, bill on first reading, is not on file and will be passed over.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. O'Brien, for presiding.

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I arise to a question of information.

The SPEAKER. The gentleman from Delaware will state his question of information.

Mr. TURNER. Mr. Speaker, on page one of today's calendar House Bill Nos. 1613, 1825 and 1629 and on page two House Bill No. 1503, were the bills passed on first reading? None of these bills are on file.

The SPEAKER. The Chair is informed that all of the bills on pages one and two are in print.

Mr. TURNER. They are not on file, Mr. Speaker.

The SPEAKER. On page three Senate Bill No. 561 is not printed and has not been read.

Mr. TURNER. Mr. Speaker, the last Printer's No. we have on file is 990.

The SPEAKER. For the information of the gentleman from Delaware in order to constitutionally read a bill it is not required to be on file.

Mr. TURNER. Mr. Speaker, the gentleman from Delaware is cognizant of that fact.

The SPEAKER. Does the gentleman from Delaware object to the bills having been read for the first time?

Mr. TURNER. Yes, the gentleman does, Mr. Speaker.

The SPEAKER. The objection of the gentleman comes too late. Objection should have been made before the bill was read. The Chair has been informed that all of the bills have been printed except Senate Bill 561, which will not be considered as read.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 364

Mr. HEATHERINGTON. Mr. Speaker, I desire to call

up the report of the Committee of Conference on House Bill No. 364.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 364, entitled:

An Act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amplifying the provisions thereof as to persons entitled to such payments."

Respectfully submit the following bill as our report:

HENRY I. WILSON

WELDON B. HEYBURN

JOHN H. DENT

(Committee on the part of the Senate)

THOMAS J. HEATHERINGTON

J. P. MORAN

DAVID P. REESE, JR.

(Committee on the part of the
House of Representatives)

An Act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amplifying the provisions thereof as to persons entitled to such payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the termination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" is hereby amended to read as follows

Section 1. In addition to those persons included within the definition of the word "employe" as defined in section one hundred and four of the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as last reenacted and amended at the regular legislative session of one thousand nine hundred and thirty-nine there shall be included all members of volunteer fire companies or volunteer fire departments of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employees" of such cities boroughs incor-

porated towns townships for all the purposes of said act and shall be entitled to receive compensation in case of injuries received while actually engaged as firemen or while going to or returning from any fire which the fire companies or fire department of which they are members shall have attended or while performing any other duties of such companies or fire department authorized by such cities boroughs incorporated towns and townships

Section 2 This act shall become effective ten days after final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Gallagher,	Marks.	Royer,
Auker,	Gates,	Maxwell.	Rush,
Balthaser,	Gerard,	McClanaghan,	Sarge.
Baker,	Gillan,	McClester,	Sarraff.
Baughner,	Gillette,	McDowell,	Scanlon.
Bentley,	Goodwin,	McDermott,	Schwab.
Boles,	Greenwood,	McFall,	Serrill.
Boney,	Gross,	McGrath,	Shaffer,
Boorse,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Breth,	Haberlen,	McLane,	Skale.
Bretherick,	Haines,	McMillen,	Snyder.
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Mihm,	Stambaugh,
Burns,	Harkins,	Modell,	Stank.
Cadwalader,	Harmuth,	Monks,	Stline,
Chervenak,	Harris,	Mooney,	Stockham.
Chudoff,	Heatherington,	Moran,	Tarr.
Cochran,	Helm,	Moul,	Tate.
Cohen, M. M.,	Hering,	Muir,	Taylor.
Cohen, R. E.,	Herman,	Munley,	Thompson, E. F.,
Cook,	Hersch,	Nagel,	Thompson, R. L.,
Cooper,	Hewitt,	Nunemacher,	Trout,
Cordier,	Hirsch,	O'Brien,	Turner.
Corrigan,	Holland,	O'Connor,	Van Allsburg,
Croop,	Huntley,	O'Dare,	Verona,
Cullen,	Imbrie,	O'Mullen,	Vincent,
Dalrymple,	James,	O'Neill,	Vogt.
Dennison,	Jefferson,	Ovens,	Voldow.
DiGenova,	Jones, G. E.,	Petrosky,	Voorhees.
Dix,	Jones, P. N.,	Pettit,	Watkins.
Dolon,	Keenan,	Polaski,	Weingartner,
D'Ortona,	Kenehan,	Polen,	Welss.
Drffy,	Kiline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rank,	Williams.
Elder,	Komorowski,	Rausch,	Winner.
Elliot,	Lee, E. A.,	Readinger,	Wolf,
Ely,	Lee, T. H.,	Reagan,	Wood L. H.,
Falkenstein,	Leisey,	Reese, D. P.,	Wood, N.,
Finestone,	Leonard,	Reese, R. E.,	Woodring,
Finnerty,	Lesko,	Regan,	Woodside,
Fiss,	Levy,	Reynolds,	Wright,
Fleming,	Leydic,	Rhea,	Yeakel,
Fletcher,	Lichtenwalter,	Riley,	Yester,
Flynn,	Longo,	Rooney,	Young.
Foor,	Lovett,	Rose, S.,	Kilroy.
French,	Lyons,	Rose, W. E.,	Speaker.
	Malloy,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered. That the Clerk inform the Senate accordingly

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1465, entitled:

An Act to amend the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election

The first section was read:

On the question,

Will the House agree to the section?

Mr. LESKO. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 2), page 6, lines 3 to 6, both inclusive, by striking out all of said lines, and inserting in lieu thereof: (t) "Persons in military service" shall mean qualified electors of this Commonwealth who are or may be, by enlistment, enrollment or draft, in actual military or naval service of the United States or any branch or unit thereof, or in the military service of the Commonwealth."

The amendment was agreed to.

The section was agreed to as amended.

The second, third and fourth sections were separately read and agreed to.

The fifth section was read:

On the question,

Will the House agree to the section?

Mr. LESKO. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 5, page 12, lines 27 to 29, both inclusive, by striking out all of said lines.

Amend Sec. 5, page 13, lines 1 and 2, by striking out all of said lines.

Amend Sec. 5 (Sec. 28), page 13, lines 3 to 29, both inclusive, by striking out all of said lines.

Amend Sec. 5 (Sec. 28), page 14, lines 1 to 8, both inclusive, by striking out all of said lines.

The amendments were agreed to.

The section was agreed to as amended.

The sixth section was read:

On the question,

Will the House agree to the section?

Mr. LESKO. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 6, page 14, line 9, by striking out the figure "6" and inserting in lieu thereof: "5".

The amendment was agreed to.
The section was agreed to as amended.
The seventh section was read:

On the question,
Will the House agree to the section?

Mr. LESKO. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 7, page 15, line 25, by striking out the figure "7" and inserting in lieu thereof: "6".

The amendment was agreed to.
The section was agreed to as amended.
The eighth section was read:

On the question,
Will the House agree to the section?

Mr. LESKO. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 8, page 16, line 7, by striking out the figure "8" and inserting in lieu thereof: "7".

The amendment was agreed to.
The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1727, entitled:

An Act providing that proceedings acts and bonds issued by Authorities incorporated under the Municipality Authorities Act as amended and supplemented shall not be invalid by reason of certain circumstances.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1728, entitled:

An Act relating to the compatibility of office of members of the Boards and officers of the Authorities incorporated under the Municipality Authorities Act as amended and supplemented.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 753, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire certain land adjacent to and for the use of the Scranton State Hospital providing for the improvement and use thereof and making an appropriation.

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Mr. CORDIER. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 2, lines 13 and 14, by striking out the words "under general powers applicable to cities of the second class A" and inserting in lieu thereof: "and the municipal authorities of said city are hereby authorized to appropriate and expend such sums as they deem necessary for the improvement of such land in cooperation with or in conjunction with any Federal or State agency"

Amend Sec. 2, page 2, line 17, by inserting after the word "Federal" the following: "or State"

The amendments were agreed to.

The section was agreed to as amended.

The third and fourth sections were separately read and agreed to.

The title was read:

On the question,

Will the House agree to the title?

Mr. CORDIER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 5 of title, by inserting after the word "thereof" the following: "authorizing the City of Scranton to pay the costs of such improvements in whole or in part"

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1805, (Senate Bill No. 697), entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 871, Senate Bill No. 9, Printer's No. 452, was passed over at the request of Mr. READINGER.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1573, (Senate Bill No. 30), entitled:

An Act providing for the establishment, construction, operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through, bordering or accessible to the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike to be known as the "Rim Parkway," providing for the creation of the Pennsylvania Parkway Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of parkway revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such parkway, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost

of maintenance, operation and repair of the parkway; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such parkway shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission; conferring powers and imposing duties on the Department of Highways; authorizing the issuance of parkway revenue refunding bonds and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1828, (Senate Bill No. 787), entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by exempting certain transportation from the terms "common carrier by motor vehicle" and "contract carrier by motor vehicles"; further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in certain appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for

violating the act; prohibiting motor carriers, common carriers by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1603, (Senate Bill No. 169), entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs towns and townships of the county providing for the transfer of the registration of electors upon change of residence from a third class city borough town or township in the same county changing the period during which changes of enrollment of political party may be made preparation and distribution of street lists and permitting the destruction of certain records

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1484, entitled:

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or

Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by extending provisions to include certain provisional employes of the Commonwealth of Pennsylvania in its civil service.

The first section was read:
On the question,
Will the House agree to the section?
Mr. MARKS. Mr. Speaker, I desire to offer the following amendment.
The amendment was read by the Clerk as follows:

Amend Sec. 1, (Sec. 1) page 3, line 16, by inserting after the word "or" where it appears for the second time in said line, the following: "who is regularly employed"
The amendment was agreed to.
The section was agreed to as amended.
The title was read and agreed to.
And said bill having been read at length the second time and agreed to as amended.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 846, entitled:

An Act requiring school boards in all school districts to grant leaves of absence to all school employes who shall volunteer or be called for military naval or similar service under the Selective Service Law of 1940 or subsequent laws of the United States of America and to all school employes in the National Guard land or naval reserve forces who shall be called for active duty preserving certain contracts salaries increments retirements rights seniority State contributions and grants to local school boards eligibility lists re-employment requiring school boards to employ substitutes in place of such employes reserving all rights and privileges of employes granted leaves of absence under the provisions herein superseding or repealing all contrary laws

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 539, entitled:

An Act to further amend section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by exempting certain property from execution in certain cases

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1675, (Senate Bill No. 566), entitled:

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act

relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisalment of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries, the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees; reports and other proceedings, and the fees therefor, appeals in certain cases; and, also generally dealing with the jurisdiction powers, and proceedings of the orphans court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges on real estate.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1216, entitled:

An Act to amend sections two and six of the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1184) entitled "An act requiring all employable persons receiving public assistance with certain exceptions to perform certain work or be refused further assistance conferring powers and imposing duties on county boards of assistance and on certain State and local officers and employes and on charitable institutions persons copartnerships associations corporations and State and Federal employment officers and requiring payments to the Commonwealth on account of certain work performed" by further defining the work to be done and rate of pay to be received by employables

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,
The House proceeded to the consideration on final passage of House Bill No. 1195, as follows:

An Act to amend three of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing the formation except in counties of the second class of State and county associations of assessors or other assessing and taxing officers providing for the organization operation and meetings thereof and imposing the duty of paying certain expenses connected therewith upon counties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The heading of division (b) of article three of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

(b) State and County Associations

Section 2 Division (b) of article three of said act is hereby amended by adding thereto immediately after section ninety-six a new subdivision containing four new sections to read as follows

7 Assessors Except in Counties of the Second Class

Section 97 County Associations of Assessors A county association of assessors and other persons officially charged with the assessing and taxation of real and personal properties may be formed within each county except counties of the second class Such association when formed shall hold annual or semi-annual meetings at the county seat of the county or some other suitable place within the county for the purpose of considering and discussing questions and subjects pertaining to the best methods for the assessing and taxation of real and personal properties

Section 98 Officers of County Associations The officers of the county association shall consist of a president vice-president a secretary and a treasurer who shall hold office for one year or until their successors are chosen If desirable the secretary may be a person not a regular member of the association and may be paid for his services such compensation not exceeding ten dollars per annum as the other officers may determine Every assessor attending such meeting may vote in the election of officers

Section 99 State Association Meeting Delegates The formation of a State Association of Assessors not including counties of the second class is hereby authorized The association shall hold annual meetings at such time and place within the Commonwealth as it may designate for the purpose of discussing various questions and subjects pertaining to the duties of assessors and for the purpose of devising uniform economical and efficient methods of administering the affairs of assessing districts

Each county association of assessors shall elect two assessors within said county as delegates to each annual meeting of the State Association

Section 100 Expenses and Mileage Reimbursement The expenses of the delegates attending the annual meeting of the State Association shall not exceed six dollars per day for each delegate for not more than three days together with the actual mileage at the prevailing rate of railroad fare and shall be paid by the respective county associations

The expenses of the annual meeting including expenses of committees printing and stenographers shall be paid pro-rata by the respective county associations and shall not exceed fifteen dollars for any county association

Within thirty days after each annual meeting of the State Association the treasurers of the respective county associations shall file with the county commissioners an itemized statement under oath setting forth where and when the annual meeting of the State Association was held the number of delegates from the respective associations in attendance and the expenditures due from the county associations for such annual meeting The county commissioners shall thereupon draw their warrant on the county treasurer and pay to the treasurer of the county association out of the county funds the amount expended by the county association under the provisions of this subdivision Provided however That in all counties having controllers said accounts shall be audited by the controller

Section 3 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Mr. AUKER. Mr. Speaker, the bill before us, Section 100 provides that the County Commissions shall pay the expenses of assessors at the State Convention at the rate of six dollars per day and the usual prevailing railroad mileage. I am very heartily in favor of assessors having an organization and having a state-wide organization, but I believe and I so state that I think it is bad legislation to make the County Commissioners of the individual counties pay the expenses of the county assessors attending a State Convention. They receive their pay the same as anybody else does, and if they wish to have a state-wide organization, which I think is commendable, then I most certainly think they should be willing to pay their own expenses and not make the taxpayers of the counties who already pay them their salaries for doing their work, pay the extra expense of attending a State-wide convention.

For that reason I am opposing the bill. I believe it is bad and I am asking my colleagues in the House to vote against the measure for that reason. It is imposing an additional burden on the taxpayers which should not be imposed.

Mr. McFALL. Mr. Speaker, I had no intention of speaking on this bill but since the gentleman from Blair calls attention to the fact and used the word "shall", I wish to correct that. This is not a "shall" bill, it is a "may" bill. To me this is one bill that has been presented to the House that has a heart. These men who make up the assessors throughout the State of Pennsylvania, particularly in the third, fourth, fifth, sixth, seventh and eighth class districts, are men who are poorly paid. They have for a long time desired an organization in which they could better qualify and better conduct themselves in assessing the properties. Therefore, this bill after all is a home rule taxing bill, which takes care of those units that form the first taxing system of our government, the taxing of real estate and the taxing of our homes and our farms. It is true that this bill carries with it the expenditures of \$6 a day. It also carries with it a desire that these men should meet the same as other organizations in the counties are meeting and having their expenses paid. If I am not mistaken, and I stand to be corrected, you passed measures here at the beginning of this session in which the sealers of weights and measures had this granted to them. So I am only asking the Members of this body to consider this bill because it has many merits and I am going to ask the Members of the House on both sides to vote "Yes".

Mr. AUKER. Mr. Speaker, I do not like to dispute the gentleman's statement, but I just want to read for the benefit of the members of the House this provision in section 100, which is as follows:

"Expenses and mileage reimbursement. The expenses of the delegates attending the annual meeting of the State Association shall not exceed six dollars per day for each delegate for not more than three days together with the actual mileage at the prevailing rate of railroad fare and shall be paid by the respective county associations".

There is no "may" about this bill. It must be paid by the County Commissioners and the County Commissioners must use the taxpayers' money to do it. You may offer as an excuse that the County Commissioners get

their expenses paid, as well as other bodies. The remedy is not to extend this kind of bad legislation to them, but to take this kind of special privilege away from other bodies. These men get paid the same as anybody else does and they do not have any right to ask the taxpayers to pay their expenses for attending a State Convention. I ask my colleagues to vote this bill down.

On the question,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. McFALL, SKALE and LONGO asked for a verification of the roll.
The roll was verified and was as follows:

YEAS—110

Baker.	Gallagher,	Melchiorre,	Shaw,
Balthaser,	Gerard.	Mihm,	Skale,
Baugher,	Gryskewicz,	Monks,	Sollenberger,
Bentley,	Haberlen,	Mooney,	Stank,
Boles.	Haines.	Moran,	Stine,
Bradley.	Hamilton.	Muir,	Stockham,
Breth.	Heatherington,	Munley.	Tarr.
Bretherick,	Hersch,	Nunemacher,	Tate.
Brown.	Hirsch,	O'Brien,	Turner,
Brunner, C. H.,	James,	O'Connor,	Van Allsburg,
Brunner, P. A.,	Jones, G. E.,	O'Mullen,	Verona,
Burns.	Jones, P. N.,	Owens,	Vogt,
Chervenak,	Keenan,	Pettit,	Voldow,
Chudoff,	Kenehan.	Polaski,	Weiss,
Cochran.	Komorofski,	Polen,	Welsh, E. B.,
Cohen, R. E.,	Lee, E. A.,	Powers,	Welsh, M. J.,
Corrigan.	Leonard,	Prosen,	Williams,
Croop.	Lesko,	Rausch,	Winner,
Dalrymple,	Lichtenwaiter,	Readinger.	Wolf,
DiGenova,	Longo,	Reese, R. E.,	Wood, L. H.,
Dolon,	Malloy,	Reynolds,	Woodring,
D'Ortona,	Marks,	Rooney,	Wright,
Early,	Maxwell,	Rose, S.,	Yeakel,
Eckels,	McDermott,	Sarrafi,	Yester,
Falkenstein,	McFall,	Scanlon,	Young.
Finestone,	McKinney.	Schwab,	Kilroy.
Finerty,	McLanahan,	Serrill,	
Fiss,	McLane,	Shaffer,	

NAYS—53

Auker.	Gillette,	Knoble,	Rhea.
Boorse.	Greenwood,	Lee, T. H.,	Rose, W. E.
Cordier.	Gross,	Levdic	Royer,
Cullen.	Gyger.	Lyons,	Rush,
Dennison,	Habbyshaw,	McClanaghan,	Simons,
Dix.	Hall.	McClester,	Snyder,
Duffy.	Hare.	McIntosh,	Sorg
Elder.	Harmuth.	McMillen.	Taylor.
Elliott.	Harris.	McSurdy,	Thompson R. L.,
Ely.	Helm.	Modell,	Trout.
Fleming.	Hewitt,	Nagel,	Watkins.
Foor.,	Imbrie,	Reagan.	Weingartner.
Gates.	Kline,	Reese, D. P.,	Wood, N.,
Gillan,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.
Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE NOT ON FILE

The SPEAKER. House Bill No. 814, Printer's No. 1007, on page 10 of today's calendar, bill on final passage is not on file and will be passed over.

PERMISSION GRANTED COMMITTEE
TO MEET DURING SESSION

Mr. D'ORTONA asked and obtained permission for the

Committee on Philadelphia Gas Explosion to meet during the session of the House.

HOUSE BILLS ON THIRD READING
MADE SPECIAL ORDER

Mr. READINGER. Mr. Speaker, I move that all House bills on third reading, in their numerical order be made a special order of business immediately.
The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 1558, as follows:

An Act to further amend section two of the act approved the twenty-ninth day of March one thousand eight hundred ninety-nine (P. L. 21) entitled "An act to establish a board for the examination of accountants to provide for the granting of certificates to accountants and to provide a punishment for the violation of this act" by further regulating examination of applicants for certificates as accountants and making said section conform to the Administrative Code of 1929

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-ninth day of March one thousand eight hundred ninety-nine (P. L. 21) entitled "An act to establish a board for the examination of accountants to provide for the granting of certificates to accountants and to provide a punishment for the violation of this act" as last amended by the act approved the twenty-fourth day of May one thousand nine hundred twenty-one (P. L. 1073) is hereby further amended to read as follows

Section 2 [The Governor of the State of Pennsylvania shall appoint a board of five examiners for the examination of persons applying for certification under this act Two shall be appointed from the eastern part of the State two from the western part and one from the central part of the State Three of said examiners shall be certified public accountants each holding a degree of same from the Commonwealth of Pennsylvania one of whom shall be appointed for the term of one year one for two years and one for three years and upon the expiration of each of said terms an examiner shall be appointed for the term of three years The other two examiners shall be practicing attorneys in good standing in any of the courts of the State of Pennsylvania One of them shall be appointed for the term of one year and the other for two years and upon the expiration of each of said terms a successor shall be appointed for the term of three years] The State Board of Examiners of Public Accountants shall examine all persons applying for certification under this act The examination for certificates shall be based upon [an examination] examinations in commercial law and general accounting said [examination] examinations shall take in Philadelphia and Pittsburgh [once] twice a year [in the month of November] [of each year] during the months of May and November except that during the year one thousand nine hundred forty-one such examinations shall be held during the months of July and November under such rules and regulations as may be adopted by the board In no event however shall a special examination be given or a degree granted to any person except by passing a regular examination as herein provided for but certified public accountants of other States of the United States who have been certified for a least one year may be recommended for certification at the discretion of the said board for certificates without any examination The fees provided by this act shall be twenty-five dollars for each applicant from which shall be paid the actual traveling expenses of the

members of the board and expenses incident to such examination for office rent stationery printing and clerk hire a sum not exceeding three hundred dollars per annum and if any surplus above said expenses shall remain at the end of the year it shall be paid into the treasury of the Commonwealth. The results of such examination shall be certified to the Governor within sixty days after said examination and filed in the office of the Secretary of Internal Affairs and kept for reference and inspection for a period not less than five years the Governor to issue the certificates

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Auker,	Gates,	Maxwell,	Royer,
Balthaser,	Gillan,	McClanaghan,	Rush,
Baughner,	Gillette,	McClester,	Sarge,
Bentley,	Goodwin,	McDermott,	Sarra,
Boles,	Greenwood,	McDowell,	Scanlon,
Boney,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tarr,
Cohen, R. E.,	Herman,	Muhr,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Inbrie,	O'Dare,	Van Allsburg,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Otona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. E.,
Elder,	Komorowski,	Rank,	Welsh, M. J.,
Elliot,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Lelsey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Fliss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foor,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Mallory,	Rose, W. E.,	Kilroy,
	Marks,	Rosenfeld,	Speaker.

NAYS—2

Baker, Gerard,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1002, Printer's

No. 341, and House Bill No. 990, Printer's No. 275 were passed over at the request of Mr. READINGER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1648, as follows:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1005) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended by changing registration years fractions of registration years operators' license years extending the time or exemption from fees for transfer of registration to conform with changed registration year reducing operator's license fee and giving the secretary power to determine whether certain motor vehicles are of tractor type

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of the term "tractor" appearing in section one hundred two section two hundred three and subsection (e) of section two hundred eight of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1005) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that the records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 815) are hereby further amended to read as follows

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

* * * * *

"Tractor" Every vehicle of the tractor type which is self-propelled excepting power shovels road rollers concrete mixers ditch diggers or vehicles used exclusively upon stationary rails or tracks. In the case of motor vehicles as defined in the Vehicle Code upon which machinery has been permanently mounted the secretary may determine in each case whether or not such motor vehicle

is of the tractor type and in making such determination the secretary shall consider the purpose for which such motor vehicle shall be used

* * * * *

Section 203 Classification Tractors for the purposes of this act shall be divided into two classes

(a) First Class Tractors used exclusively for agricultural purposes road grading well drilling and transportation of supplementary machinery and appliances and also any motor vehicle as defined in the Vehicle Code upon which machinery has been permanently mounted and used exclusively for agricultural purposes road grading well drilling and transportation of supplementary machinery and appliances and determined by the secretary to be of the tractor type

(b) Second class Tractors used for industrial purposes and for all hauling on any highway except such hauling as is specified in subsection (a) of this section and also any motor vehicle as defined in the Vehicle Code upon which machinery has been permanently mounted and used for industrial purposes and for all hauling on any highway except such hauling as is specified in subsection (a) of this section and determined by the secretary to be of tractor type

Section 208 Transfer of Registration

* * * * *

(e) When a transfer of registration is made after a vehicle has been registered for the succeeding year and the transfer application has been received and completed by the department prior to [January] April first of such succeeding year the transfer fee provided in this act shall not be required

* * * * *

Section 2 Sections two hundred nine three hundred nine four hundred ten and five hundred five of said act are hereby amended to read as follows

Section 209 Expiration of Registration All registration for the year one thousand nine hundred and forty-one shall expire [December thirty-first of the year for which they are issued unless sooner] March thirty-first one thousand nine hundred and forty-two Commencing with the year one thousand nine hundred and forty-two and thereafter registrations shall be issued for a registration year commencing on April first of one year and expiring March thirty-first of the year following Registrations shall also expire when suspended for cause by the secretary [but registration cards] Registrations for the succeeding year may at the option of their holders be used on and after [December] March fifteenth of the current year

Section 309 Expiration of Registration Plates (a) All registration plates shall expire [December thirty-first of the year for which they are issued unless sooner] March thirty-first one thousand nine hundred and forty-two Commencing with the year one thousand nine hundred and forty-two and thereafter registration plates shall be issued for a registration year commencing on April first of one year and expiring March thirty-first of the year following Registration plates shall also expire when suspended for cause by the secretary [but the registration] Registration plate for the succeeding year may at the option of the owner be used on and after [December] March fifteen of the current year

(b) No tractor or trailer shall be operated on any highway [after December thirty-first] with registration plates [for the previous year] which have expired nor without registration plate on claim by the owner or operator that registration plate for the current year has been applied for but not received

Penalty Any person violating any of the provisions of subsection (b) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 410 Expiration of Operator's License All operators' licenses issued for the year one thousand nine hundred and forty-one shall expire on the last day of [February of each year unless sooner] January one thousand nine hundred and forty-two Commencing with the

year one thousand nine hundred and forty-two and thereafter operators' licenses shall be issued for a license year commencing on February first of one year and expiring January thirty-first of the year following Operators' licenses shall also expire when suspended for cause by the secretary [but operators'] Operators' licenses for the succeeding year may at the option of their owners be used on and after [February] January fifteenth of the current year

Section 505 Reduction of Registration Fees in Certain Cases The fee for registration of a tractor or trailer when registration is issued on or after [August first] the beginning of the seventh month of the registration year but prior to the beginning of the tenth month of the registration year shall be one-half ($\frac{1}{2}$) of the fee for annual registration [Provided That the] The fee for registration of any tractor or trailer when registration is issued on or after [November first] the beginning of the tenth month of the registration year shall be one-fourth ($\frac{1}{4}$) of the fee for annual registration herein specified

Section 3 Section five hundred six of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 815) is hereby further amended to read as follows

Section 506 Operator's Licenses Duplicate Registration or Operator's License Card (a) The fee for issuing an operator's license shall be [two (\$2.00) dollars] one (\$1.00) dollar

(b) The fee for a duplicate operator's license card or duplicate registration card shall be fifty (50) cents

Section 4 Subsection (f) of section five hundred twelve of said act as re-lettered subsection (e) by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 815) is hereby amended to read as follows

Section 512 Exemptions from fees

* * * * *

(e) No fee shall be required for transfer of registration for the succeeding year when such transfer has been received and completed by the department prior to [January] April first of such succeeding year

Section 5 One of the purposes and intentions of this act is to change the registration year from the calendar year to a registration year commencing April first of one year and ending March thirty-first of the year following and to accomplish that end registrations issued for the year one thousand nine hundred and forty-one shall be valid for that entire calendar year and the months of January February and March of the year one thousand nine hundred and forty-two and also to change the commencement of the operator's license year from March first to February first and to accomplish that end operator's license issued for the year one thousand nine hundred and forty-one shall be valid only from March first one thousand nine hundred and forty-one to January thirty-first one thousand nine hundred and forty-two

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gates,	Marks,	Rosenfeld,
Baker,	Gerard,	Maxwell,	Royer,
Balthaser,	Gillan,	McClanaghan,	Rush,
Baughner,	Gillette,	McClester,	Sarge,
Bentley,	Goodwin,	McDermott,	Sarrafi,
Boles,	Greenwood,	McDowell,	Scanlon,
Boorse,	Gross,	McFall,	Schwab,
Bower,	Gryskewicz,	McGrath,	Serrill,
Bradley,	Gyger,	McIntosh,	Shaffer,
Breth,	Habbyschaw,	McKinney,	Shaw,
Bretherick,	Haberlen,	McLanahan,	Shepard,
Brown,	Haines,	McLane,	Simons,
Brunner, C. B.,	Hall,	McMillen,	Skale,

Brunner, P. A.,	Hamilton,	McSurdy,	Snyder,
Burns,	Hare,	Melchiorre,	Sollenberger,
Cadwalader,	Harkins,	Mihm,	Sorg,
Chervenak,	Harmuth,	Modell,	Stambaugh,
Chudoff,	Harris,	Monks,	Stank,
Cochran,	Heatherington,	Mooney,	Stine,
Cohen, M. M.,	Helm,	Moran,	Stockham,
Cohen, R. E.,	Hering,	Moul,	Tarr,
Cook,	Herman,	Muir,	Tate,
Cooper,	Hersch,	Munley,	Taylor,
Cordier,	Hewitt,	Nagel,	Thompson, E. F.,
Corrigan,	Hirsch,	Nunemacher,	Thompson, R. L.,
Croop,	Holland,	O'Brien,	Trout,
Cullen,	Huntley,	O'Connor,	Turner,
Dalrymple,	Imbrie,	O'Dare,	Van Allsburg,
Dennison,	James,	O'Mullen,	Verona,
DiGenova,	Jefferson,	O'Neill,	Vincent,
Dix,	Jones, G. E.,	Owens,	Vogt,
Dolon,	Jones, P. N.,	Petrosky,	Voldow,
D'Ortona,	Keenan,	Pettit,	Voorhees,
Duffy,	Kenehan,	Polaski,	Watkins,
Early,	Kilne,	Polen,	Weingartner,
Eckels,	Knoble,	Powers,	Welss,
Elder,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elllott,	Komorowski,	Rank,	Welsh, M. J.,
Ely,	Lee, E. A.,	Rausch,	Wilkinson,
Falkenstein,	Lee, T. H.,	Readinger,	Williams,
Finestone,	Lelsey,	Reagan,	Winner,
Finnerty,	Leonard,	Reese, D. P.,	Wolf,
Fiss,	Lesko,	Reese, R. E.,	Wood, L. H.,
Fleming,	Levy,	Regan,	Wood, N.,
Fletcher,	Leydic,	Reynolds,	Woodring,
Flynn,	Lichtenwalter,	Rhea,	Woodside,
Foor,	Longo,	Riley,	Wright,
French,	Lovett,	Rooney,	Yeakel,
Gallagher,	Lyons,	Rose, S.,	Yester,
	Malloy,	Rose, W. E.,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 566, Printer's No. 898, was passed over the the request of Mr. READ-INGER.

There being no objection House Bill No. 1638, Printer's No. 816, House Bill No. 1640, Printer's No. 818, and House Bill No. 1639, Printer's No. 819, were passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1641, follows:

An Act providing that city taxes in all cities of the third class accepting the provisions of this act shall be assessed levied and collected upon the basis of the county assessments imposing duties upon county assessing and county taxing authorities abolishing the office of city assessor in such cities of the third class and transferring certain property to county taxing authorities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All city taxes in cities of the third class accepting the provisions of this act to be assessed and levied for the year one thousand nine hundred forty-three and subsequent years shall be assessed and levied on the real estate and personal property as contained in the assessments made for county tax purposes for said year It shall be the duty of the proper county assessing authorities to assess all property in cities of the third class accepting the provisions of this act whether real or personal taxable under any general local or special law

for city purposes to designate real property or parts thereof not taxable for city purposes It shall be the further duty of the proper county taxing authorities to furnish annually on or before the fifteenth day of February to the director of accounts and finance of said cities and to the board of school directors of the school districts coterminous therewith a properly certified duplicate of the last adjusted valuation of all property taxable for county purposes and for city purposes within the territorial limits of said cities excepting only such assessments of intangible personal property as shall not be subject to the payment of city or school taxes

Section 2 The office of city assessor in cities of the third class accepting the provisions of this act is hereby abolished as of the first day of January one thousand nine hundred forty-two and all books records maps and plans in his possession shall be turned over and delivered to the county taxing authorities for their use

Section 3 Any city of the third class wishing to accept the provisions of this act may do so by ordinance of council any time on or before the first day of December one thousand nine hundred forty-one a copy of which shall be given to the county commissioners of the county wherein such city is located Upon the adoption of such ordinance and the filing of a copy thereof with the county commissioners as aforesaid the provisions of this act shall become effective as to such city

Section 4 Sections 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 and 2521 of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" and the amendments thereto are hereby repealed in so far as they apply to cities of the third class accepting the provisions of this act

All acts and parts of acts inconsistent with this act are hereby repealed

Section 5 The provisions of this act except as herein otherwise specifically provided shall become effective the first day of January one thousand nine hundred forty-two

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—36

Baker,	Harkins,	McClanaghan,	Rosenfeld,
Bentley,	Harmuth,	McDermott,	Schwab,
Boles,	Hersch,	Mihm,	Shaw,
Breth,	Hewitt,	Monks,	Sorg,
Duffy,	Hirsch,	Mooney,	Tate,
Flynn,	Jones, P. N.,	Polen,	Verona,
Gallagher,	Keenan,	Rausch,	Vincent,
Gerard,	Komorowski,	Reese, R. E.,	Welsh, E. B.,
Gryskewicz,	Malloy,	Reynolds,	Kilroy,

Speaker.

NAYS—90

Auker,	Habbyshaw,	McFall,	Serrill,
Balthaser,	Haberlen,	McKinney,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bretherick,	Hall,	Modell,	Stambaugh,
Brunner, C. H.,	Hamilton,	Muir,	Stank,
Brunner, P. A.,	Hare,	Munley,	Stine,
Cohen, M. M.,	Harris,	Nagel,	Stockham,
Cook,	Helm,	Nunemacher,	Tarr,
Cordier,	James,	O'Connor,	Trout,
Dalrymple,	Jones, G. E.,	Owens,	Turner,
Dennison,	Kenehan,	Pettit,	Van Allsburg,
Early,	Lee, E. A.,	Polaski,	Watkins,
Eckels,	Lelsey,	Prosen,	Welss,
Elder,	Levy,	Readinger,	Welsh, M. J.,
Elllott,	Leydic,	Reese, D. P.,	Williams,
Ely,	Lichtenwalter,	Regan,	Wood, L. H.,
Fiss,	Longo,	Rhea,	Wood, N.,
Fleming,	Lovett,	Riley,	Woodring,

Gates, Gillette, Gross, Gyger,	Lyons, Marks, Maxwell, McClester,	Rooney, Rose, W. E., Royer, Rush,	Woodside, Yeakel, Yester,
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Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1286, as follows:

An Act relative to the employment of females in hotels taverns saloons and eating houses for the mixing or sale of alcoholic drinks and the penalty for violation thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall not be lawful for any owner proprietor keeper or agent of any hotel tavern saloon eating house or other place where alcoholic liquors are legally sold to employ or permit the employment of any female at any such hotel tavern saloon or eating house to mix or serve alcoholic liquor behind the bar or to employ any female for the purpose of enticing customers or to encourage them to drink liquor or make assignments for improper purposes Provided That nothing in this act shall be construed to prevent the employment of any female waitress who regularly takes orders for food from serving food and liquor at tables also that nothing shall prevent any employer from employing any female stenographer hotel secretary clerk or other employee for their respective positions Provided further That nothing in this act shall be so construed as to prevent the wife of any such owner proprietor keeper or agent from mixing or serving alcoholic liquor behind the bar of any such place where alcoholic liquors are legally sold

Section 2 Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction of the same shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each and every female so employed or undergo an imprisonment of not less than three (3) months nor more than one (1) year or either or both at the discretion of the court having jurisdiction of the case The Liquor Control Board shall have the power to revoke or refuse licenses for violation of this act

Section 3 The act approved the ninth day of June one thousand nine hundred and thirty-nine (P. L. 307) entitled "An act prohibiting in any city of the first second and second A class the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold and providing penalties" is hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Auker, Baker, Balthaser, Baughner, Bentley, Boles, Boorse, Bower,	Gates, Gerard, Gillan, Gillette, Goodwin, Greenwood, Gross, Gryskewicz,	Marks, Maxwell, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath,	Rosenfeld, Royer, Rush, Sarge, Sarraf, Scanlon, Schwab, Serrill,
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Bradley, Breth, Bretherick, Brown, Brunner, C. H., Brunner, P. A., Burns, Cadwalader, Chervenak, Chudoff, Cochran, Cohen, M. M., Cohen, R. E., Cook, Cooper, Cordier, Corrigan, Croop, Cullen, Dalrymple, Dennison, DiGenova, Dix, Dolon, D'Ortona, Duffy, Early, Eckels, Elder, Elliott, Ely, Falkenstein, Finestone, Finnerty, Flis, Fleming, Fletcher, Flynn, Floor, Gallagher,	Gyger, Haberlen, Haines, Hamilton, Hare, Harkins, Harmuth, Harris, Heatherington, Helm, Hering, Herman, Hersch, Hewitt, Hirsch, Holland, Huntley, Imbrie, James, Jefferson, Jones, G. E., Jones, P. N., Keenan, Kenehan, Kline, Knoble, Kolankiewicz, Komorowski, Lee, E. A., Lee, T. H., Lelsey, Leonard, Lesko, Levy, Leydic, Lichtenwalter, Longo, Lovett, Lvons, Malloy,	McIntosh, McKinney, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Mihm, Modell, Monks, Mooney, Moran, Moul, Muir, Munley, Nagel, Nunemacher, O'Brien, O'Connor, O'Dare, O'Mullen, O'Neill, Owens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rank, Readinger, Reagan, Reese, D. P., Reese, R. E., Regan, Reynolds, Rhea, Riley, Rooney, Rose, S., Rose, W. E.,	Shaffer, Shaw, Shepard, Simons, Skale, Snyder, Sollenberger, Sorg, Stambaugh, Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, R. L., Turner, VanAlsbury, Verona, Vincent, Vogt, Voldow, Voorhees, Weingartner, Weiss, Welsh, E. B., Welsh, M. J., Williams, Winner, Wolf, Wood, L. H., Wood, N., Woodring, Wright, Yeakel, Yester, Young, Kilroy, Speaker.
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NAYS—7

French, Habbysaw,	Hall, Rausch,	Stank, Stine,	Woodside,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 675, as follows:

An Act providing for and regulating the State licensing and registration of nurses of several classes the biennial recording of licenses regulating nursing imposing penalties and repealing certain existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the State Board of Examiners for Licensure of Nurses hereinafter called the Board shall adopt a seal and shall establish by-laws and regulations not inconsistent with law for its own government and for the execution of all of the laws which it is its duty to enforce or administer It shall meet annually for organization on a date to be fixed by the by-laws and shall meet at such other times as it may designate Its officers shall be elected for a term of one year and shall serve until their successors are elected All vacancies arising in said offices shall be filled by the Board for the unexpired term It shall not have any power in any way to fix prices or control the compensation received by the licensed or registered nurse or licensed or registered attendant

Section 2 The Board shall once every year and at such other times and under such conditions as shall be provided by the by-laws examine all applicants eligible for examination to determine whether they are qualified to be licensed and shall issue to each person passing said examination to the satisfaction of the Board a proper certificate setting forth that such person has been licensed

to nurse either as a Licensed Nurse or as a Licensed Attendant

Section 3 No application for licensure to nurse as a Licensed Nurse shall be considered unless accompanied by a fee of ten dollars (\$10.00) Every applicant to be eligible for examination for license as a Licensed Nurse must furnish evidence satisfactory to the Board that he or she is twenty-one years of age or over is a citizen of the United States is of good moral character has completed work equal to a standard high school course as evaluated by the Department of Public Instruction and has graduated from a school of nursing which gives at least a two years' course of instruction or has received instruction in different schools of nursing connected with hospitals for periods of time amounting to at least a two years' course as aforesaid and has then graduated which school or combination of schools of nursing must be on the approved list issued by the State Board of Examiners for Licensure of Nurses as hereinafter provided Provided That a graduate nurse licensed or registered in any state of the United States where the requirements for licensure or registration in the judgment of the Board are at least equal to the requirements for licensure in Pennsylvania may be licensed by the Board without examination upon application in writing on forms provided by the Board and upon the payment of a fee of ten dollars (\$10.00)

Section 4 Every person legally entitled to practice as a Licensed Nurse or a Registered Nurse or to use the letters "R N" at the time this act becomes effective shall be considered as licensed to practice under this act and may continue to practice as such upon the biennial registration of his or her license as required herein and subject to the conditions hereof Nothing in this act shall affect the right of bona fide students preparing on the effective date of this act for examination as Licensed Nurses to take said examination The Board shall make such provision therefor as is necessary

Section 5 Every person actively engaged in nursing in Pennsylvania during the two years immediately preceding the effective date of this act who is a graduate of a school of nursing which was on the list of such schools approved by the State Board of Examiners for Licensure of Nurses or its predecessors or of a school of nursing which in the judgment of the Board provided training equivalent to the training furnished by such approved schools at the time such person graduated may be licensed by the Board to practice as a Licensed Nurse upon proof of such qualifications and passing of such examinations as the Board may require provided such person makes application for licensure under the general conditions applicable thereto on or prior to January 1 1942 Provided That the Board may if it deem it advisable extend such final date for the filing of applications for a period of not more than six (6) months from January 1 1942

Section 6 No application for licensure to nurse as a Licensed Attendant shall be considered unless accompanied by a fee of five dollars (\$5.00) Every applicant for examination as a Licensed Attendant must furnish evidence satisfactory to the Board that he or she is twenty-one years of age or over is a citizen of the United States or has legally declared his or her intention to become such is of good moral character has completed at least the eighth grade work in the public schools or its equivalent and has such other preliminary qualification requirements as the Board may prescribe has completed the course of study in and holds a certificate from a school approved by the Board for the training of Licensed Attendants giving a course of not less than six months which shall include not less than three months of supervised experience in the care of the sick in a hospital convalescent home or other suitable institution to be determined by the Board and not less than one hundred twenty hours of theoretical instruction or has had training which in the opinion of the Board warrants the examination of said person for licensure as a Licensed Attendant Provided That all persons engaged upon the effective date of this act in nursing as defined in subsection (b) of Section 13

of this act and who were so engaged for not less than one (1) year of the ten (10) years immediately prior thereto and who were not Registered Nurses or Licensed Attendants may continue such practice until November 1 1942 without further licensure or qualification Such persons provided application therefor has been filed on or before August 1 1942 shall be entitled to licensure as Licensed Attendants upon payment of the required fees and proof of such qualifications as may be prescribed by the Board The minimum qualifications required by the Board in such cases shall include proof that such person was a resident of Pennsylvania for a period of one year immediately prior to the effective date of this act and was actually engaged in such practice for not less than one year of the ten years immediately prior to the effective date of this act and is twenty-one years of age or over is a citizen of the United States or has legally declared his or her intention to become such is of good moral character and has such training and experience as the Board may prescribe Provided That a licensed attendant so recognized in any state of the United States where the requirements for licensure in the judgment of the Board are at least equal to the requirements for licensure in Pennsylvania may be licensed by the Board without examination upon application in writing on forms provided by the Board and upon the payment of a fee of five dollars (\$5.00)

Section 7 Any person legally entitled to practice as a Licensed Attendant or to use the letters "L A" at the time this act becomes effective shall be entitled to continue to practice as such upon the biennial registration of his or her license as required by this act Nothing in this act shall affect the right of bona fide students preparing on the effective date of this act for examinations as Licensed Attendants to take such examinations The Board shall make such provision therefor as is necessary

Section 8 The Board shall on or before November 1 1941 and biennially thereafter publish and distribute a list of all Licensed Nurses and Licensed Attendants who then hold valid Registration Cards as hereinafter provided and shall at intervals regulated by its by-laws prepare and make available for public distribution at least once each year lists of all schools of nursing or combinations of schools of nursing approved by it the graduates of which shall be eligible for examination for licensure as Licensed Nurses and similar lists of schools for the training of Licensed Attendants the graduates of which shall be eligible for examination for licensure as Licensed Attendants Provided That the removal of any such school from the approved list shall not make any bona fide student therein at the time of said removal ineligible for examination upon proper completion of the required work and Provided That the Board may remove any school from any approved list by the unanimous vote of the members of the Board after a full and fair hearing before the Board upon the question of said removal The Board shall give thirty (30) days notice of the time and place of hearing and a copy of the charges preferred shall be sent to the last known address of the school by registered mail Any school aggrieved by the action of the Board in removing its name from the approved list or any school aggrieved by the action of the Board in refusing to place any school on the approved list may appeal therefrom within thirty (30) days after the mailing of notice of such action to the Court of Common Pleas of Dauphin County which court shall hear the matter de novo and shall enter such order affirming modifying or reversing the action of the Board as shall appear proper to the court No such appeal shall act as a supersedeas unless the said court shall so decree Any state-wide organization of nurses shall have the right to intervene and participate in such appeal proceedings upon petition to the said court and upon notice to all parties of record The action of said court in the appeal shall be final and not subject to further appeal

Section 9 Any person who has a valid license as a Licensed Nurse or Licensed Attendant and who has a valid Registration Card as hereinafter provided may practice as such and use the title Registered Nurse and the abbrev-

violation R N or the title Licensed Attendant and the abbreviation L A as the case may be Provided That such licensed attendant may also use the term or title "practical nurse"

Section 10 Each person licensed by the Board as a Licensed Nurse or Licensed Attendant shall without further charge be given a registration card valid until the next biennial registration date On or before the first day of November in each odd numbered year as to Licensed Nurses and on or before the first day of November in each even numbered year as to Licensed Attendants and biennially thereafter such person shall cause his or her license to be recorded in the office of the Board The fee for such recording shall be two dollars (\$2.00) for the license of a Licensed Nurse and one dollar (\$1.00) for the license of a Licensed Attendant The term and method of such recording of licenses shall be provided for by the Board in such manner as will enable the Board to carry into effect the purposes of this act Provided That a licensed attendant who has declared his or her intention to become a citizen of the United States may not be registered for a total period of more than four years unless he or she has become a citizen of the United States

Section 11 Each person causing his or her license to be recorded as required by law shall be given a card called a Registration Card showing the period for which it is valid and entitling the recipient to practice as set forth thereon

Section 12 It shall be unlawful for any person corporation or institution after the effective date of this act to

(a) Open operate conduct or continue to conduct any school or institution for the training of persons to render the services included within the definition of the practice of nursing as set forth in either sub-section (a) of Section 13 of this act or sub-section (b) of Section 13 of this act unless and until such school has been approved by the State Board of Examiners for Licensure of Nurses and then only so long as said school shall remain on the approved list of schools provided for in Section 8 hereof Provided That all schools or institutions training persons to render services included within the definition of sub-section (a) of Section 13 of this act on the approved list on the effective date of this act shall be continued on said list without further requirement unless and until removed therefrom by action of the Board and Provided That schools or institutions for the training of persons to render services included within the definition of sub-section (b) of Section 13 of this act on the approved list on the effective date of this act shall be continued on said list without further requirement unless and until removed therefrom by action of the Board and schools offering training for such persons which have been so engaged for a period of one year immediately prior to the effective date of this act in which courses of not less than one hundred twenty hours of theoretical instruction have been offered may continue to so operate until November 1, 1942 after which date all such schools must be on the approved list and Provided That this section shall not apply to any school or schools or other institutions conducted by any presently well-recognized church or denomination for the purpose of training adherents of such church or denomination in the care of the sick in connection with the treatment of the sick by prayer or spiritual means in accordance with the religious tenets of such church or denomination or

(b) Practice nursing as defined by this act under cover of any diploma license record registration paper document or other purported authority illegally or fraudulently obtained or sign issue sell or furnish any such diploma license record registration paper document or other purported authority unlawfully or under fraudulent representation or misstatement of fact in a material regard or

(c) Practice nursing as defined in this act unless said person is the holder of a valid license to so practice and a valid Registration Card or

(d) Use in connection with his or her name any words letters symbols or designations indicating or tending to

indicate that he or she is a nurse or is entitled to practice nursing as defined in this act unless he or she is duly licensed and registered to so practice under the provisions thereof or

(e) Practice nursing during the time his or her license or registration card issued under the provisions of this act is suspended or revoked or

(f) Otherwise violate any of the provisions of this law

Any person or the responsible officers or employees of any corporation or institution upon conviction of any violation hereof before any magistrate alderman or justice of the peace in the county where the offense shall have been committed shall be sentenced to pay a fine of not less than ten dollars (\$10.00) for the first offense not less than twenty-five dollars (\$25.00) for the second and each additional offense and not more than two hundred dollars (\$200.00) for any offense to be enforced by summary conviction or to undergo imprisonment in the county jail for a period not exceeding ten (10) days Provided That any person so convicted shall have the right to appeal as in any other case of summary conviction The Board as well as any other legally constituted authority for the instituting of prosecutions shall have the power through any of its members counsel agents or employees to institute or intervene in any prosecutions under this act

Section 13 (a) The practice of nursing requiring a license as a Licensed Nurse within the meaning of this act is defined as follows

"A person so practices who for compensation or personal profit performs any professional service requiring the application of principles of nursing based on biological physical and social sciences such as responsible supervision of a patient requiring skill in observation of symptoms and reactions and the accurate recording of facts or carrying out of treatments and medications as prescribed by a licensed physician or the application of such nursing procedures as involve understanding of cause and effect in order to safeguard life and health of a patient or others"

(b) The practice of nursing requiring a license as a Licensed Attendant within the meaning of this act is defined as follows

"A person so practices who for compensation or personal profit performs such duties as are required in the physical care of a patient or the carrying out of medical orders as prescribed by a licensed physician requiring an understanding of nursing but not requiring all the professional service or qualifications set forth in the definition of nursing as a licensed or registered nurse"

Section 14 This act confers no authority to practice medicine or surgery nor does it prohibit

(a) Gratuitous nursing of the sick by friends or members of the family

(b) Incidental care of the sick by friends or by domestic servants primarily employed in household duties as long as they do not practice nursing within the meaning of this act

(c) Domestic administration of family remedies by any person

(d) Nursing services in case of an emergency

(e) Nursing by a person temporarily in this state in compliance with an engagement made outside of this state which engagement requires that such person accompany and care for a patient while temporarily in this state

(f) Nursing or care of the sick with or without compensation or personal profit when done as a part of or in connection with the treatment of the sick by prayer or spiritual means in the exercise of the religious tenets of a presently well-recognized church or denomination so long as such person does not practice or hold himself or herself out to be a licensed nurse or licensed attendant as defined in this act

(g) Service by an assistant or a helper in the office or place of business of any licensed practitioner of the healing arts where such services are performed under the direction or supervision of such practitioner

If adequate medical or nursing supervision by a licensed physician or licensed or registered nurse or nurses is provided non-nursing service to the patient may be given by persons employed in institutions which are under the

supervision of or subject to visitation by the Department of Health or the Department of Welfare

Nursing services may be rendered by a student enrolled in an accredited school of nursing of either type when these services are incidental to the course of study and general duty nursing may be rendered by a graduate of such school working under proper supervision pending the results of the first licensing examination scheduled by the Board following graduation if this examination is taken by him or her or pending the result of any other licensing examination upon the approval in each case of the Board

Section 15 The Board shall have the right and duty to establish reasonable regulations for the administration of this act Copies of such regulations shall be available to persons who may be interested therein The Board may suspend or revoke any license or registration for untruthful or misleading statements made in securing licensure for gross incompetency or for unprofessional immoral or unethical conduct or violation of the regulations or by-laws of the Board but any suspension or revocation shall only be by unanimous vote of the members of the Board after a full and fair hearing before the Board upon the question of revocation or suspension and after thirty days' notice of the time and place of said hearing and a copy of the charges preferred have been sent by registered mail to the holder of the license or Registration Card at his or her last known address Any person aggrieved by the action of the Board in suspending or revoking or refusing a license or registration may appeal therefrom within thirty days after the mailing of notice of such action to the Court of Common Pleas of Dauphin County which court shall hear the matter de novo and shall enter such order affirming modifying or reversing the action of the Board as to it shall appear proper No such appeal shall act as a supersedeas unless the said court shall so decree Any state-wide organization of nurses shall have the right to intervene and participate in such appeal proceedings upon petition to the said court and upon notice to all parties of record The action of said court in the appeal shall be final and not subject to further appeal

Section 16 All fees for examination or registration as Licensed Attendants paid in before June 1 1943 are hereby appropriated specifically to the Department of Public Instruction for the use of the State Board of Examiners for Licensure of Nurses for the administration and enforcement of the provisions of the act relating to Licensed Attendants and shall be paid to said Board or its order upon proper requisition by the Board

Section 17 The provisions of this act are severable and if any of them are declared unconstitutional the remaining provisions shall not be affected or impaired thereby It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision or provisions not been included therein

Section 18 All acts or parts of acts inconsistent herewith be and the same are hereby repealed provided however that nothing in this act shall by implication or otherwise repeal any of the provisions in Act No 222 approved the 25th day of May 1937 (800 P L 1937)

Section 19 This act shall become effective November 1 1941

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. NAGEL. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Sarraf.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. SARRAF. I shall, Mr. Speaker.

Mr. NAGEL. Mr. Speaker, will the gentleman from Allegheny define what is meant by the term "practical nurse"?

Mr. SARRAF. Mr. Speaker, the term "practical nurse" as applied under this act retains the same meaning. It means an individual who takes care of a patient and takes care of the sick.

Mr. NAGEL. Is there any provision made in House Bill No. 675 for the practical nurse?

Mr. SARRAF. Mr. Speaker, there is.

Mr. NAGEL. Will the gentleman be kind enough to point out that portion of the bill where the practical nurse is mentioned.

Mr. SARRAF. Mr. Speaker, on page eight, lines four and five of the bill reads thus:

"Provided that such licensed attendant may also use the term or title 'practical nurse'".

Mr. NAGEL. Mr. Speaker, I take the floor this afternoon to oppose this bill, not because I want to lay anything in the way of the registered nurse or the registered attendant nurse. I feel we ought to do for them what we can to help their profession and make their services better, but, I have something else in mind. I rise to protect the many people of our state who will not be able to employ a registered nurse, or a registered attendant nurse, if this bill becomes a law. There is no provision made in this bill whatsoever where out in the rural districts and in the small villages and small towns one can be employed who has not passed an examination for a small wage that can be paid by such persons as those employed on WPA. It will make nursing out of the question for people in this class. They will not be able to afford it because this will raise the price of nursing perhaps to six, or seven, or ten dollars a day, which this class of people cannot afford to pay.

I want to call your attention, if you will, to page 9, section 12, which reads as follows:

"It shall be unlawful for any person corporation or institution after the effective date of this act to "

Now, let us turn over to page 10, section C, and read in connection with that the following:

"It shall be unlawful," and it says on page 9, section 12, "It shall be unlawful for a person corporation or institution after the effective date of this act to "practice nursing as defined in this act unless that person is the holder of a valid licensed practice and a valid registration card."

On page eleven, it provides as follows:

"The practice of nursing requiring a license as a licensed nurse within the meaning of this act is defined as follows,

"A person so practices who for compensation or personal profit performs any professional service requiring the application of principles of nursing based on biological, physical and social sciences, such as responsible supervision of a patient requiring skill in observation of symptoms and reactions and the accurate recording of facts or carrying out of treatments and medications as prescribed by a licensed physician for the application of such nursing procedures as involve understanding of cause and effect in order to safeguard life and health of a patient."

Now let me call your attention to the fact that that includes everything, it can be made all inclusive. There is no case of illness that this particular clause of this bill would not cover. Therefore, it would be a bar.

The bill provides:

"A person so practices who for compensation or personal profit performs such duties as are required in the physical care of a patient or the carrying out

of medical orders as prescribed by a licensed physician requiring an understanding of nursing but not requiring all the professional service or qualifications set forth in the definition of nursing as a licensed or registered nurse."

Mr. Speaker, to further prove that it will bar anyone from nursing unless they are licensed, it says here:

"This act confers no authority to practice medicine or surgery nor does it prohibit (a) gratuitous nursing of the sick by friends or members of the family."

There is just one provision made and that is it must be done without pay. Let us assume for the moment that a man who works on W. P. A., his wife becomes ill, he goes to his neighbor or to his neighbor's wife and says, "Will you come over and nurse my wife through her illness?" She says, "Certainly." After the nursing is completed in a week or ten days or perhaps two weeks, he says to the lady who accommodated him, "How much do I owe you for your services?" She says, "Oh, we are neighbors, give me two or three dollars and we will call it square." Under this bill, if it becomes a law, it will be impossible to employ such a person who does not make a practice of nursing, but one who has raised a family and understands the care of the sick.

I say, Mr. Speaker, this is no time, when we have on a program for defense, when there is a possibility that we may need our nurses, of decreasing the number of nurses that might be available for taking care of the sick of our State.

Mr. Speaker, I ask every Member of this House to vote against the bill and so protect the rights and the welfare of the common people of our State.

MR. SHAW IN THE CHAIR.

Mr. AUKER. Mr. Speaker, I ask the indulgence of the House for about five minutes. In the first place I cannot agree with the gentleman from Beaver, Mr. Nagel, in what he has said. I intend to support this bill. Mr. Speaker, having married a nurse I feel more or less qualified to speak on the subject. I feel there is a definite need for the general principles embodied in this bill, as much for a health measure, probably more as a health measure than anything else. At the present time there are no restrictions on the people who handle new born infants, and other sick people. There is no restriction as the physical and health conditions of attendants who attend our sick. For all we know they may be afflicted with serious contagious diseases. They go in to attend a sick person, and that should be protected and guarded against.

I wish to call to the attention of the Members of the House several features that the bill has, however, that I think are bad and which I hope if the bill passes this afternoon, will be amended in the Senate. I refer specifically, Mr. Speaker, to line 18 on page 4 of the bill where it says: "licensed attendants must furnish evidence satisfactory to the board that he or she is twenty-one years of age." I think that is arbitrary. I do not know why the licensed attendants or licensed nurses should not be able to do such nursing when he or she is eighteen or nineteen years old. Second and more important in my mind is the matter set forth in line 23 page 4 of this bill, wherein it sets forth among other things the qualifications for a licensed attendant. It will start reading at line 21 as follows: "is of good moral

character, has completed at least the eighth grade in the public schools or its equivalent."

Now, Mr. Speaker, that is fine but here it says "has such other preliminary qualifications and requirements as the Board may prescribe." Now, Mr. Speaker, I do not like that kind of general provision in any bill. Of course, they may say, "Well, the Board is not going to abuse their discretionary power," but I want to say that Boards down here have abused their discretionary power. I want to give you a specific illustration of just how the Boards have abused their discretionary powers that have been given to them.

In 1937 there was an act passed throwing on the Board of Professional Licensure of the Department of Public Instruction, Schools of Beauty Culture. In that law there was nothing said whatsoever about any bond being required to be filed by the owners of such beauty schools. Yet in 1940 the Board comes along and says that every owner of a beauty school must file a bond. What was the result? There is no bond requirement set up in the act and as a result the owners of these beauty schools cannot put up a fidelity bond because no bonding company will bond them, they do not know what they are required to bond. That is unfair and unjust. You might say that they have a right to appeal to the courts, but it takes three or four or five months to go through the courts and it puts the owners of such beauty schools to a great expense to fight such abuse of power on the part of the boards.

The same thing is set forth on page 5, setting up the qualifications, wherein it is stated as follows: "The licensee must be of 'good moral character and have such training and experience as the board may prescribe.'"

Mr. Speaker, I am saying to the Members of the House that these boards, given such power, can if they want to exercise such power and go to the extreme of preventing licensed nurses and licensed attendants from practicing in this state. It would be possible for them to do so. Nevertheless I am going to vote for the bill in the hope that the Senate will take out these bad features and finally pass it. The bill is good, it is a well merited bill, and licensed nurses as well as registered nurses in this state should have some protection, and the people of this state should have protection against licensed attendants who may not be fit mentally or physically to attend the sick.

I ask my colleagues to vote for the bill.

Mr. SARRAF. Mr. Speaker, I do not want to take up the time of the House. This bill has been gone over very carefully and has had public hearings. The practical nurses' groups and other groups were before our committee, and at that time all these questions were brought out. I want every Member of the House to know that this "blankets in" practically every woman or man who considers himself or herself a practical nurse. This bill does not harm or keep from attending the sick any relative or friend. It specifically states that an individual who cares for the sick with pay or for pay must come under this act. Now, you gentlemen know that a bar maid, an individual being married, and other groups must have a blood test. Here is a group that attends the sick, who are under the doctor's orders, who may go to one patient who has scarlet fever or some other communicable disease and go right from there to the next one. I do not believe there is an individual in the House

who does not feel that there should be some regulation and some control. With the regular nurses and the registered nurses being in demand at the present time and being called into duty, it is no more than fair that any individual who considers himself or herself a nurse should be registered. As I said before, almost every woman and man who is today in practice under this act, which by the way does not become effective until November 1st, 1942, should be protected. I feel that every argument here advanced with the exception of Mr. Auker's relative to the boards, is met with in this bill and I urge every one of you to vote for this measure.

Mr. STOCKHAM. Mr. Speaker, during the years that I have been a Member of this House I have observed that many of the bills that have come to the attention of this body very often approach the public welfare, and in the final analysis crystalize public opinion. I have noticed in the bills on the healing arts an antagonism of feeling, a clarifying of the differences that have existed, so that in the end there is an approach to something that is progressive. This is a measure that I believe has attracted the attention of a large body of the people of the Commonwealth of Pennsylvania who practice nursing, practical nursing. My thoughts approach this bill just as they have done before with other measures, as they have done with the optometrists and with those that were practicing a profession in connection with the healing arts, with a view of constantly crystalizing public opinion and bringing the standard of those various professions up and up to where they rendered a real service to the community.

Mr. Speaker, I have given my name to this bill and I direct your attention to that one feature, that whatever the result of your vote may be, it is bringing us nearer and nearer to some better understanding of the place that practical nurses have in the community. I recognize the possible hardships that might occur. I feel there are one or two points that need some correction, but without commenting on them I do want to say and I ask you to face this individually in a practical way, as all business and as all thoughts must be developed in a community such as we have under our system of government, that the minds of the people actually may understand the purpose, the fair purpose back of every measure. Without asking any one of you to vote for or against the measure I only want to say in conclusion that I propose to cast my vote for the bill.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Allegheny, Mr. Shaw for presiding.

Mr. DIX. Mr. Speaker, in my opinion this bill as drawn is a very bad measure. I attended the hearings and during that time I discovered the fact that the professional nurses and registered nurses were not in agreement on this bill; in fact a great many of the professional nurses and registered nurses were opposed to it. That is one very good reason why it should not be passed. When you have a house divided against itself like the registered nurses are, I can see no reason for passing a bill like this. Another reason for not passing this bill is that the country doctors are practically as a unit all opposed to it. I personally have conversed with many of these country doctors and they say they do not want a bill of this kind. They say that the practical nurses

are doing good work, that the registered nurses are doing good work too. For this reason Mr. Speaker, I believe this bill should not be passed at this time. When you have the registered nurses against it, a large section of them, when you have the country doctors against it, when you have the city doctors to a very large extent against this measure, it seems to me it is very foolish for the Members of this House to pass this bill with as much opposition among the professions and among the people affected by this bill.

Mr. SARRAF. For the sake of the record I just want to correct one statement made by Mr. Dix. There are sixty-seven counties in the State and in sixty of those counties the nurse's organizations are absolutely for this bill. In one county in the state there were a few, a small minority, who were opposed to this bill. I just want to enter that on the record.

Mr. DIX. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Sarraf.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SARRAF. I shall, Mr. Speaker.

Mr. DIX. Mr. Speaker, does the gentleman know when these resolutions were passed by the organizations of nurses in these various counties, whether all the nurses were called in to vote upon it, and a vote taken as to whether this bill should be passed or not?

Mr. SARRAF. Mr. Speaker, in answer to the gentleman's question I cannot say that all of the nurses were called in, but the organizations that I have records of have gone on record as being for this bill.

Mr. DIX. Mr. Speaker, I think they are just ordinary resolutions that are passed without calling the nurses together for the purpose of voting either for or against a bill. For that reason those resolutions do not have very much effect in my opinion.

Mr. SARRAF. Mr. Speaker, does Mr. Dix wish to interrogate me or is he making his own statements? I made the statement, Mr. Speaker, that I don't know whether the organizations were called in in toto to pass upon this measure. Mr. Dix insinuates it was just routine; I don't know.

Mr. ECKELS. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Sarraf.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SARRAF. I shall Mr. Speaker.

Mr. ECKELS. Mr. Speaker, I would like to inquire of the gentleman, whether or not the statement of the gentleman from Beaver, Mr. Nagel is correct that if this bill is enacted a person who is unable for any reason to employ a registered nurse or a practical nurse and who might be so fortunate as to find an ordinary domestic, a neighbor girl or woman to come in and look after his sick for an amount of pay that he could afford, that this bill would prohibit that?

Mr. SARRAF. Mr. Speaker, if the individual is entering the home to care for the sick for pay then he would come under this act, but if an individual who is a friend of the family, as was stated by the gentleman who previously spoke, came in to care for his WPA friend, I don't imagine that individual would be really taking care of her for any pay or any remuneration whatever.

Mr. ECKELS. Mr. Speaker, would this prevent her from taking care of this sick person for pay?

Mr. SARRAF. Mr. Speaker, if they are not making their livelihood as professionals in the care of the sick they would not come under this act.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken. Messrs. Sarraf, Schwab and Bentley asked for a verification of the roll. The roll was verified and was as follows:

YEAS—106

Auker,	Gallagher,	Marks,	Riley,
Baker,	Gerard,	Maxwell,	Rose, S.,
Baughner,	Gryskewicz,	McClanaghan,	Rose, W. E.,
Bentley,	Habbyshaw,	McDermott,	Sarraf,
Boies,	Haberlen,	McFall,	Schwab,
Boney,	Hamilton,	McGrath,	Serrill,
Bradley,	Harkins,	McLanahan,	Shaffer,
Breth,	Harmuth,	McLane,	Shaw,
Brunner, P. A.,	Harris,	McSurdy,	Stank
Burns,	Heatherington,	Mechlorrye,	Stockham,
Chervenak,	Hering,	Mihm,	Tarr,
Chudoff,	Hersch,	Monks,	Tate,
Cochran,	Hirsch,	Mooney,	Taylor,
Cohen, M. M.,	Imbrie,	Moran,	Thompson, E. F.,
Cordier,	James,	Muir,	Thompson, R. L.,
Corrigan,	Jefferson,	Munley,	Verona,
Dairymple,	Keenan,	O'Brien,	Vincent,
DiGenova,	Kenehan,	O'Neill,	Watkins,
Dolon,	Kline,	Owens,	Welsh, E. B.,
D'Ortona,	Knoble,	Pettit,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Polaski,	Williams,
Early,	Komorowski,	Polen,	Woodring,
Eckels,	Lee, E. A.,	Powers,	Woodside,
Elder,	Lesko,	Readinger,	Yeakel,
Falkenstein,	Leydic,	Reese, D. P.,	Yester,
Finnerty,	Longo,	Regan,	Kilroy,
Fleming,	Malloy,	Reynolds,	Speaker.

NAYS—59

Balthaser,	Gates,	Lyons,	Rush,
Boorse,	Gillan,	McClester,	Snyder,
Bower,	Gillette,	McIntosh,	Sorg,
Cohen, R. E.,	Greenwood,	McKinney,	Stambaugh,
Cook,	Gross,	McMillen,	Stine,
Cullen,	Gyger,	Modell,	Trout,
Dennison,	Haines,	Nagel,	Turner,
Dix,	Hare,	Nunemacher,	Van Allsburg,
Elliot,	Helm,	O'Connor,	Vogt,
Ely,	Herman,	O'Dare,	Voldow,
Finestone	Huntley,	Prosen,	Welingartner,
Fiss,	Jones, G. E.,	Reagan,	Wells,
Flynn,	Leisey,	Reese, R. E.,	Wood, N.,
Poor,	Levy,	Rhea,	Wright,
French	Lovett,	Royer,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. PROSEN filed the following reasons for his vote:
I am voting No on H. B. 675, Printer's No. 927 for the reason that the Board set up by this bill may set up regulations which would prevent the so-called practical nurses, unable to meet such regulations, from following their profession.

BILL ON THIRD READING

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 1652, entitled:

An Act to further amend sections eight and eleven of the act approved the fifteenth day of May one thousand

nine hundred thirty-three (P L 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by giving the secretary discretionary power under certain circumstances to suspend operators' licenses and providing for notice and hearing before suspension of licenses and registrations

On the question.
Will the House agree to the bill on third reading?

Mr. CORRIGAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 11), page 7, line 3, by inserting a dark-faced bracket after the word "peace."

Amend Sec. 1 (Sec. 11), page 7, lines 4 to 7, by striking out the following: "or to request" in line 4, lines 5 and 6, and the words "satisfied judgment shall so warrant" in line 7.

Amend Sec. 1 (Sec. 11), page 7, line 9, by striking out the bracket after the word "certificates."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,
Will the House agree to the amendments?

The amendments were agreed to.

On the question,
Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 1365, Printer's No. 934 was passed over at the request of Mr. CORRIGAN.

BILLS ON THIRD READING

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 997, as follows:

An Act to amend subsection (e) of section three hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P L 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" by allowing common law actions in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (e) of section three hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P L 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" is hereby amended to read as follows

Section 301

(e) Compensation shall not be payable for partial disability due to silicosis anthraco-silicosis or asbestosis Provided however That nothing in this act shall be construed to deprive an employee suffering partial disability due to silicosis anthraco-silicosis or asbestosis of his right to recover damages by an action at law Compensation shall be payable as otherwise provided in this act for total disability or death caused solely (as definitely distinguished from a contributory or accelerating cause) by silicosis anthraco-silicosis or asbestosis or by silicosis anthraco-silicosis or asbestosis when accompanied by active pulmonary tuberculosis

And said bill having been read at length the third time. considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Gates.	Maxwell.	Royer,
Auker,	Gerard,	McClanaghan.	Rush,
Baker,	Gillan,	McClester.	Sarge,
Balthaser,	Gillette,	McDermott.	Sarra,
Baughner,	Goodwin.	McDowell,	Scanlon
Bentley,	Greenwood,	McFall	Schwab,
Boles,	Gross.	McGrath,	Serrill
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Cyzer,	McKinney.	Shaw,
Bower,	Habbyshaw,	McLanahan.	Shepard,
Bradley,	Haberlen,	McLane,	Simons,
Breth,	Haines,	McMillen,	Skale,
Bretherick,	Hall,	McMurdy,	Snyder,
Brown,	Hamilton,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Hare,	Mihm,	Sorg,
Brunner, P. A.,	Harkins,	Modell,	Stambaugh,
Burns,	Harmuth,	Monks,	Stank,
Cadwalader,	Harris,	Mooney,	Stine,
Chervenak,	Heatherington,	Moran,	Stockham,
Chudoff,	Helm,	Moul,	Tarr,
Cochran,	Hering,	Muir,	Tate,
Cohen, M. M.,	Herman,	Munley,	Taylor,
Cohen, R. E.,	Hersch,	Nagel,	Thompson, E. F.,
Cook,	Hewitt,	Nunemacher,	Thompson, R. L.,
Cooper,	Hirsch,	O'Brien,	Trout,
Cordier,	Holland,	O'Connor,	Turner,
Corrigan,	Huntley,	O'Dare,	Van Allsburg,
Croop,	Imbrie,	O'Mullen,	Verona,
Cullen,	James,	O'Neill,	Vincent,
Dalrymple,	Jefferson,	Owens,	Vogt,
Dennison,	Jones, G. E.,	Petrosky,	Widow,
DiGenova,	Jone, P. N.,	Pettit,	Voorhees,
Dix,	Keenan,	Polaski,	Watkins
Dolon,	Fenehan,	Polen,	Weingartner.
D'Ortona,	Kilne,	Powers,	Weiss,
Duffy,	Knoble,	Prosen,	Welsh, E. B.,
Early,	Kolankiewicz,	Rank,	Welsh, M. J.,
Eckels,	Komorowski,	Rausch,	Williams,
Elder,	Lee, E. A.,	Readinger,	Winner,

Elliott,	Lee, T. H.,	Reagan,	Wolf,
Ely,	Lelsey,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leonard,	Reese, R. E.,	Wood, N.,
Finestone,	Lesko,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Woodside,
Fiss,	Leydic,	Rhea,	Wright,
Fleming,	Lichtenwalter,	Riley,	Yeakel,
Fletcher,	Longo,	Rooney,	Yester,
Flynn,	Lovett,	Rose, S.,	Young,
Foor,	Lyons,	Rose, W. E.,	Kilroy,
French,	Malloy,	Rosenfeld,	Speaker.
Gallagher,	Marks,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 674, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P L 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined as amended by making certain changes in the name qualifications powers and duties of the State Board of Examiners for the Registration of Nurses and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board and other officers and employees thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (P L 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions

shall be determined" as last amended by the act approved the sixth day of June one thousand nine hundred thirty-nine (P L 250) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of Justice

Board of Pardons

Board of Commissioners on Uniform State Laws

In the Treasury Department

Board of Finance and Revenue

State Employees' Retirement Board

In the Department of Internal Affairs

Board of Property

In the Department of Public Instruction

State Council of Education

Pennsylvania State Board of Censors

Public School Employees' Retirement Board

Pennsylvania Historical Commission

Board of Trustees of Thaddeus Stevens Industrial School

Board of Trustees of Pennsylvania State Oral School for the Deaf

Board of Trustees of Pennsylvania Soldiers Orphan School

Board of Trustees of West Chester State Teachers' College

Board of Trustees of Millersville State Teachers' College

Board of Trustees of Kutztown State Teachers' College

Board of Trustees of East Stroudsburg State Teachers' College

Board of Trustees of Mansfield State Teachers' College

Board of Trustees of Bloomsburg State Teachers' College

Board of Trustees of Shippensburg State Teachers' College

Board of Trustees of Lock Haven State Teachers' College

Board of Trustees of Indiana State Teachers' College

Board of Trustees of California State Teachers' College

Board of Trustees of Slippery Rock State Teachers' College

Board of Trustees of Edinboro State Teachers' College

Board of Trustees of Clarion State Teachers' College

Board of Trustees of Cheyney Training School for Teachers

State Board of Medical Education and Licensure

State Board of Pharmacy

State Dental Council and Examining Board

State Board of Optometrical Examiners

State Board of Osteopathic Examiners

Osteopathic Surgeons' Examining Board

State Board of Examiners for [the Registration] Licensure of Nurses

State Board of Veterinary Medical Examiners

State Board for the Examination of Public Accountants

State Board of Examiners of Architects

Anthracite Mine Inspectors' Examiners Board

Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania

State Registration Board for Professional Engineers

In the Department of Military Affairs

Armory Board of the State of Pennsylvania

Board of Trustees of Pennsylvania Soldiers' and Sailors' Home

In the Department of Banking

Board to License Private Bankers

Pennsylvania Securities Commission

In the Department of Agriculture

State Farm Products Show Commission

In the Department of Forests and Waters

Water and Power Resources Board

Geographic Board

Lake Erie and Ohio River Canal Board

Pennsylvania State Park and Harbor Commission of Erie

Washington Crossing Park Commission

Valley Forge Park Commission

Fort Washington Park Commission

In the Department of Mines

Anthracite Mine Inspectors

Bituminous Mine Inspectors

In the Department of Highways

State Bridge Commission

In the Department of Health

Sanitary Water Board

State Board of Undertakers

In the Department of Labor and Industry

Workmen's Compensation Board

Workmen's Compensation Referees

State Workmen's Insurance Board

The Industrial Board

In the Department of Welfare

State Council for the Blind

Board of Trustees of Eastern State Penitentiary

Board of Trustees of Western State Penitentiary

Board of Trustees of Pennsylvania Industrial School

which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the

reception care maintenance detention employment and training of defective delinquents shall there-

after be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents

Board of Trustees of State Industrial Home for Women

Board of Trustees of Pennsylvania Training School

Board of Trustees of Allentown State Hospital

Board of Trustees of Danville State Hospital

Board of Trustees of Farview State Hospital

Board of Trustees of Harrisburg State Hospital

Board of Trustees of Norristown State Hospital

Board of Trustees of Warren State Hospital

Board of Trustees of Wernersville State Hospital

Board of Trustees of Torrance State Hospital

Board of Trustees of Ashland State Hospital

Board of Trustees of Blossburg State Hospital

Board of Trustees of Coaldale State Hospital

Board of Trustees of Connellsville State Hospital

Board of Trustees of Hazleton State Hospital

Board of Trustees of Locust Mountain State Hospital

Board of Trustees of Nanticoke State Hospital

Board of Trustees of Philipsburg State Hospital

Board of Trustees of Scranton State Hospital

Board of Trustees of Shamokin State Hospital

Board of Trustees of Laurelton State Village

Board of Trustees of Pennhurst State School

Board of Trustees of Polk State School

Board of Trustees of Selinsgrove State Colony for

Epileptics

In the Department of Property and Supplies

Board of Commissioners of Public Grounds and

Buildings

State Art Commission

In the Department of Revenue

State Athletic Commission

In the Department of Public Assistance

State Board of Public Assistance

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 2 Section four hundred eighteen of the said act as last amended by the act approved the twenty-ninth day of April one thousand nine hundred thirty-five (P. L. 91) is hereby further amended to read as follows

Section 418 State Board of Examiners for [Registration] Licensure of Nurses The State Board of Examiners for [Registration] Licensure of Nurses shall consist of the Superintendent of Public Instruction ex officio and five members who shall be licensed and registered nurses graduated from schools of nursing where practical and theoretical instruction is given in general surgical and medical

nursing and who shall have been engaged in nursing in the Commonwealth of Pennsylvania for at least five years since [registration] first registered

The Governor shall upon the expiration of the term of office of any member appoint a person with the above specified qualifications from a list of not less than ten names submitted to him by the board of directors of the Pennsylvania State Nurses' Association for a term of six years and until a successor is appointed and qualified Vacancies shall be filled in like manner

Three members of the board shall constitute a quorum and the board shall [select] elect from among its members a chairman [and shall elect a secretary who need not be a member of the board] a Director of Nursing Education who shall also be the Secretary and Executive Officer of the Board an Assistant Director of Nursing Education who shall also be Assistant secretary and Assistant Executive Officer of the Board and two or more State Educational Advisors of Schools of Nursing None of said officers or persons except the chairman need be members of the board All of them shall be full time employes and shall have the minimum qualifications required by this act for members of the board The board shall also fix the salaries of all said officers

[The board with the approval of the Superintendent of Public Instruction shall also appoint and fix the compensation of one or more State educational advisors of schools of nursing who shall have the same qualifications as the members of the board]

The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars per diem when actually engaged in the transaction of official business and the secretary shall receive such reasonable compensation as shall be determined by the board with the approval of the Superintendent of Public Instruction

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—187

Auker.	Gerard.	Marks,	Rose, S.,
Baker.	Gillan.	Maxwell,	Rose, W. E.,
Balthaser.	Gillette	McClanaghan,	Rosenfeld,
Baughner,	Goodwin.	McDermott,	Royer,
Bentley,	Greenwood,	McDowell,	Sarge,
Boles.	Gross.	McFall	Sarra,
Boorse,	Gryskewicz,	McGrath,	Scanlon,
Bower,	Gyger,	McIntosh,	Schwab,
Bradley,	Habbyshaw,	McKinney,	Serrill,
Breth,	Haberlen.	McLanshan,	Shaffer,
Bretherick,	Haines	McLane,	Shaw,
Brown,	Hamilton,	McMillen,	Shepard,
Brunner, C. H.,	Hare,	McMurry,	Simons,
Brunner, P. A.,	Tarkins,	Melchiorre,	Skale,
Burns,	Harmuth,	Mihm,	Snyder,
Cadwalader,	Harris,	Modell,	Sollenberger,
Chervenak,	Heatherington,	Monks,	Sorg,
Chudoff,	Helm,	Mooney,	Stambaugh,
Cochran,	Herings,	Moran,	Stank,
Cohen, M. M.,	Herman,	Moul,	Stockham,
Cohen, E. E.,	Hersch,	Muir,	Tarr,
Cook,	Hewitt,	Munley,	Tate,
Cooper,	Hirsch,	Nagel,	Taylor,
Cordier,	Holland,	Nunemacher,	Thompson, E. F.,
Corrigan,	Huntley,	O'Brien,	Thompson, R. L.,
Croop,	Imbrie,	O'Connor,	Turner,
Dairymple,	James,	O'Dare,	VanAlsbury,
Dennison,	Jefferson,	O'Mullen,	Verona,
DiGenova,	Jones, G. E.,	O'Neill,	Vincent,
Dolon,	Jones, P. N.,	Owens,	Vogt,
D'Ortona,	Keenan,	Petrosky,	Voldow,
Duffy,	Kenehan,	Pettit,	Voorhees,
Early,	Kline,	Polaski,	Watkins,
Eckels,	Knoble,	Polen,	Welsh, E. B.,
Eider,	Kolankiewicz,	Powers,	Welsch, M. J.,
Elliott,	Komorowski,	Prosen,	Williams,
Ely,	Lee, E. A.,	Rank,	Winner,

Falkenstein,	Lee, T. H.,	Rausch,	Wolf,
Finestone,	Lelsey,	Readinger,	Wood, L. H.,
Finnerty,	Leonard,	Reagan,	Woodring,
Fiss,	Lesko,	Reese, D. P.,	Woodside,
Fleming,	Levy,	Reese, R. E.,	Wright,
Fletcher,	Leydic,	Regan,	Yeakel,
Flynn,	Lichtenwalter,	Reynolds,	Yester,
Foor,	Longo,	Rhea,	Young,
French,	Lovett,	Riley,	Kilroy,
Gallagher,	Malloy,	Rooney,	Speaker.

NAYS—12

Cullen,	Hall,	Rush,	Weingartner,
Dix,	Lyons,	Stine,	Weiss,
Gates,	McClester,	Trout,	Wood, N.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1530, as follows:

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Lackawanna River between a point in or near the Borough of Blakely Lackawanna County and a point in or near the Borough Olyphant in Lackawanna County and to provide the necessary approaches thereto and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The Department of Highways is hereby authorized and directed to erect and construct a bridge over the Lackawanna River at a convenient point in or near the Borough of Blakely in Lackawanna County to a point on the opposite side of said river in or near the Borough of Olyphant in Lackawanna County and to acquire the necessary land for approaches thereto

In the construction of said bridge and the approaches thereto the Department of Highways shall have all of the powers and authority conferred with respect to the relocation widening or construction of State highways Any damages sustained by reason of taking property in the relocation widening or construction of any such bridge and the approaches thereto shall be ascertained in accordance with laws applicable to the ascertainment of damages in relocating widening or constructing State highways and such damages when ascertained shall be paid by the Commonwealth or county or counties as may be agreed upon in accordance with the laws relating to State highways

Section 2 The sum of fifty-five thousand dollars (\$55,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund in the State Treasury to the Department of Highways for the construction of such bridge and the approaches thereto and for the payment of damages for property taken injured or destroyed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Marks,	Rose, W. E.,
Baker,	Gillan,	Maxwell,	Rosenfeld,
Balthaser,	Gillette,	McClanaghan,	Royer,
Baughner,	Goodwin,	McClester,	Rush,

Bentley,	Greenwood,	McDermott,	Sarge,
Boles,	Gross,	McDowell,	Sarra,
Boorse,	Gryskewicz,	McFall,	Scanlon,
Bower,	Gyger,	McGrath,	Schwab,
Bradley,	Habbyshaw,	McIntosh,	Serrill,
Breth,	Haberlen,	McKinney,	Shaffer,
Bretherick,	Haines,	McLanahan,	Shaw,
Brown,	Hall,	McLane,	Shepard,
Brunner, C. H.,	Hamilton,	McMillen,	Simons,
Brunner, P. A.,	Hare,	McSurdy,	Skale,
Burns,	Harkins,	Melchiorre,	Snyder,
Cadwalader,	Harmuth,	Mihm,	Sollenberger,
Chervenak,	Harris,	Modell,	Sorg,
Chudoff,	Heatherington,	Monks,	Stambaugh,
Cochran,	Helm,	Mooney,	Stank,
Cohen, M. M.,	Hering,	Moran,	Stine,
Cohen, R. E.,	Herman,	Moul,	Stockham,
Cook,	Hersch,	Muir,	Tarr,
Cooper,	Hewitt,	Munley,	Tate,
Corrider,	Hirsch,	Nagel,	Taylor,
Corrigan,	Holland,	Nunemacher,	Thompson, E. F.,
Croop,	Huntley,	O'Brien,	Thompson, R. L.,
Cullen,	Imbrie,	O'Connor,	Trout,
Dairymple,	James,	O'Dare,	VanAlsbury,
Dennison,	Jefferson,	O'Mullen,	Verona,
DiGenova,	Jones, G. E.,	O'Neill,	Vincent,
Dix,	Jones, P. N.,	Owens,	Vogt,
Dolon,	Keenan,	Petrosky,	Voldow,
D'Ortona,	Kenehan,	Pettit,	Voorhees,
Duffy,	Kline,	Polaski,	Watkins,
Early,	Knoble,	Polen,	Weingartner,
Eckels,	Kolankiewicz,	Powers,	Weiss,
Elder,	Komorowski,	Prosen,	Welsh, E. B.,
Elliott,	Lee, E. A.,	Rank,	Welsh, M. J.,
Ely,	Lee, T. H.,	Rausch,	Williams,
Falkenstein,	Lelsey,	Readinger,	Winner,
Finestone,	Leonard,	Reagan,	Wolf,
Finnerty,	Lesko,	Reese, D. P.,	Wood, L. H.,
Fiss,	Levy,	Reese, R. E.,	Wood, N.,
Fleming,	Leydic,	Regan,	Woodring,
Fletcher,	Lichtenwalter,	Reynolds,	Woodside,
Flynn,	Longo,	Rhea,	Wright,
Poor,	Lovett,	Riley,	Yeakel,
French,	Lyons,	Rooney,	Yester,
Gallagher,	Malloy,	Rose, S.,	Young,
Gates,			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1101, as follows:

An Act to amend sections one thousand five hundred and one and one thousand five hundred and eight of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating sewer connections and sewer district assessments in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Sections one thousand five hundred and one and one thousand five hundred and eight of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 1501 Power to Establish and Construct Sewers and Drains Sewer Rentals Townships may establish and construct a system of sewers and drainage locating the same as far as practicable along and within the lines of the public roads of the townships as seems advisable to the board of supervisors The supervisors may permit and where necessary for the public health require adjoining and adjacent property owners to connect with and

use the same In case any owner or owners of property adjoining or adjacent to such sewer shall neglect or refuse to connect with and use said sewer for a period of thirty days after notice to do so has been served upon him or them by the supervisors either by personal service or by registered mail said supervisors or their agents employees and servants may enter upon such property and construct such connection or connections In such case the supervisors shall forthwith upon completion of the work send an itemized bill of the cost of construction of such connection or connections to the owner or owners of the property to which connection has been so made which bill shall be payable forthwith In case of neglect or refusal by the owner or owners of such property to pay said bill it shall be the duty of the township supervisors to file municipal liens for said construction within six months of the date of completion of the construction of said connection or connections the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens All persons so connecting shall pay in addition to the cost of making such connection a monthly or annual rate prescribed by a resolution of the board of supervisors Such monthly or annual rate shall constitute a lien until paid against the property so connecting with such system and the amount thereof may be recovered by due process of law

Nothing in this section shall be construed to repeal or modify any of the provisions of the Public Service Company Law

Section 1508 Sewer Districts Township to Pay Non-Assessable Portion of Cost Whenever a sewer system is constructed by a township for the accommodation of a certain portion only of the township the supervisors of such township may at any time before or after said construction constitute the territory accommodated into a sewer district or divide it into several sewer districts In every such case of division into several districts the [supervisor] supervisors shall make an estimate of the proportion of the cost of the sewer system which should equitably be charged on each of said districts and declare and establish such apportionment by resolution

In all cases where a sewer system is constructed by a township for the benefit of a certain portion only of the township and the cost of main sewers pumping stations pressure liens et cetera is charged against the sewer district or sewer districts as herein provided the total amount charged to each district may be assessed to the district by an assessment upon each lot or piece of land in said district in proportion to its frontage abutting on the sewer or by an assessment upon the several properties abutting on the sewer in proportion to benefits or the total amount charged to each district may be assessed upon the properties connected with and using said sewers as sewer rentals in the manner provided by law for the assessment of sewer rentals or each lot or piece of ground abutting upon said sewer may be assessed in proportion to its frontage or according to benefits the cost of a local sewer and the balance of the amount charged against the district may be assessed upon the properties connected with and using said sewer as sewer rentals in the manner provided by law for assessment of sewer rentals No district shall be charged with more than its due proportion of the cost of the main sewers pumping stations et cetera used jointly by more than one district the aggregate amount charged on property in any such district shall not exceed the amount of such estimate Where the whole of the township is accommodated by the system it may also be treated as a single district or divided into districts and be subject to the foregoing provisions

An amount not legally chargeable upon properties benefited shall be paid out of the general township fund

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarraf,
Bentley,	Greenwood,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Cyger,	McIntosh,	Shaffer,
Eradley,	Habbyshaw,	McKinney,	Shaw,
Ereth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tarr,
Cohen, R. E.,	Herman,	Muir,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	Van Allsburg,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,
Di,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kilne,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Welss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Welsh, M. J.,
Elliot,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Leisey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Flannerty,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foot,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy,
Gates,	Marks,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1710, as follows:

An Act creating a Board of Inspection in the Department of Public Works in cities of the first class imposing powers and duties on such board and cities of the first class and any lessee of water or gas mains owned by such city prescribing rights of persons suffering damage to property or personal injuries because of defective conditions of such mains and imposing liability on cities of the first class and lessees of water or gas mains owned by such city and repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 There is hereby created in all cities of

the first class a Board of Inspection consisting of five members to be appointed by the Director of Public Works whose duty and function shall be to inspect or investigate complaints concerning gas and water mains and order and effect replacements or repairs to all gas or water mains or any and all connection thereof found to be in a defective or dangerous condition The board shall consist of a civil engineer from the Department of Public Works and four employees of the Department of Public Works and shall receive no additional compensation for performing their duties in accordance with the provisions of this act

Section 2 The Board of Inspection shall supervise the activities of all employees of the Department of Public Works charged with the duty of inspecting and repairing or replacing all water mains or any connections thereof and shall keep records of all complaints received from citizens of such cities from all sources These records shall be open to the public for inspection All complaints affecting gas mains or connections thereof shall be immediately forwarded to any and all lessees of any municipally owned gas works and a record thereof kept and the Board of Inspection shall require any such lessee to immediately notify it of any complaints or any pertinent information such lessee shall have received relative to the condition of any gas or water main or connections thereof All such records shall be public documents and shall be kept for a period of five years by the board

Section 3 Immediately after the effective date of this act the said Board of Inspection shall cause inspection of all mains thirty years old or over to be made immediately and thereafter once every five years to determine whether such mains or connections thereof are in a safe condition and not hazardous to the public and shall also test soundings in cases of all mains relative to which complaints have been filed by any citizen or official of such first class city Where such mains are found to be defective and require repairs or replacements the board shall immediately order such repairs or replacements to be made In the case of any gas works or water works leased by the city to others the board shall order such lessee in conformity with such contract of lease to make all necessary repairs and replacements or shall take other immediate steps that such dangerous or defective condition shall be immediately corrected

Section 4 The Board of Inspection shall employ all recent and modern methods available to insure proper inspection of all mains or connections thereof in accordance with best engineering practice

Section 5 Whenever any citizen suffers any property damage or personal injury as a result of defective condition of any gas or water main or connection thereof the Board of Inspection shall make an immediate investigation to ascertain responsibility and effect an immediate correction of such dangerous or defective condition

Section 6 In any action for damages brought against such city or any lessee thereof because of property damage or personal injuries sustained by such person because of the defective or dangerous condition of any water or gas main or any connection thereof the plaintiff shall make out a prima facie case by establishing the fact of such damage and the casual connection thereto with such dangerous or defective main or connection thereof

Section 8 The said Board of Public Inspection shall be charged with the duty of conducting all investigations into complaints relative to the conditions of such gas or water mains or connections thereof as quickly as possible and of effectuating all repairs or replacements as soon as it is possible for such repairs or replacements to be made

Section 9 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 10 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed
Section 11 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

- | | | | |
|-----------------|----------------|---------------|------------------|
| Auker, | Gerard, | Maxwell, | Royer, |
| Baker, | Gillan, | McClanaghan, | Rush, |
| Balthaser, | Gillette, | McClester, | Sarge, |
| Baughner, | Goodwin, | McDermott, | Sarra, |
| Bentley, | Greenwood, | McDowell, | Scanlon, |
| Boles, | Gross, | McFall, | Schwab, |
| Boorse, | Gryskewicz, | McGrath, | Serrill, |
| Bower, | Gyger, | McIntosh, | Shaffer, |
| Bradley, | Habbyshaw, | McKinney, | Shaw, |
| Breth, | Haberlen, | McLanahan, | Shepard, |
| Bretherick, | Haines, | McLane, | Simons, |
| Brown, | Hall, | McMillen, | Skale, |
| Brunner, C. H., | Hamilton, | McSurdy, | Snyder, |
| Brunner, P. A., | Hare, | Melchiorre, | Sollenberger, |
| Burns, | Harkins, | Mihm, | Sorg, |
| Cadwalader, | Harmuth, | Modell, | Stambaugh, |
| Chervenak, | Harris, | Monks, | Stank, |
| Chudoff, | Heatherington, | Mooney, | Stine, |
| Cochran, | Helm, | Moran, | Stockham, |
| Cohen, M. M., | Hering, | Moul, | Tarr, |
| Cohen, R. E., | Herman, | Muir, | Tate, |
| Cook, | Hersch, | Munley | Taylor, |
| Cooper, | Hewitt, | Nagel | Thompson, E. F., |
| Cordier, | Hirsch, | Nunemacher | Thompson, R. L., |
| Corrigan, | Holland, | O'Brien, | Trout, |
| Croop, | Huntley, | O'Connor, | Turner, |
| Cullen, | Imbrie, | O'Dare, | VanAllsburg, |
| Dalrymple, | James, | O'Mullen, | Verona, |
| Dennison, | Jefferson, | O'Neill, | Vincent, |
| DiGenova, | Jones, G. E., | Owens, | Vort, |
| Dix, | Jones, P. N., | Petrosky, | Voldow, |
| Dolon, | Keenan, | Pettit, | Voorhees, |
| D'Ortona, | Kenehan, | Polaski, | Watkins, |
| Duffy, | Kilne, | Polen, | Weingartner, |
| Early, | Knoble, | Powers, | Weiss, |
| Eckels, | Kolankiewicz, | Prosen, | Welsh, E. B., |
| Elder, | Komorowski, | Rank, | Welsh, M. J., |
| Ellott, | Lee, E. A., | Rausch, | Williams, |
| Ely, | Lee, T. H., | Readinger, | Winner, |
| Falkenstein, | Lelsey, | Reagan, | Wolf, |
| Finestone, | Leonard, | Reese, D. P., | Wood, L. H., |
| Finnerty, | Lesko, | Reese, R. E., | Wood, N., |
| Fiss, | Levy, | Regan, | Woodring, |
| Fleming, | Leydic, | Reynolds, | |
| Fletcher, | Lichtenwalter, | Rhea, | |
| Flynn, | Longo, | Riley, | |
| Foor, | Lovett, | Rooney, | |
| French, | Lyons, | Rose, S., | |
| Gallagher, | Malloy, | Rose, W. E., | |
| Gates, | Marks, | Rosenfeld, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1738, as follows:

An Act to amend Route 22045 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construc-

tion of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Route 22045 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is hereby amended to read as follows:

Route 22045 Beginning at a point in Rush Township on the Dauphin-Lebanon County line about [.25 mile] 1½ miles west of the Schuylkill County line thence in a northeasterly and northwesterly direction through Rush Township to a point [on] intersecting Route 22041 about 1 mile west of the Schuylkill-Dauphin County line in Dauphin County a distance of about [0.7] 0.95 mile

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

- | | | | |
|-----------------|----------------|---------------|------------------|
| Auker, | Gates, | Marks, | Rosenfeld, |
| Baker, | Gerard, | Maxwell, | Royer, |
| Balthaser, | Gillan, | McClanaghan, | Rush, |
| Baughner, | Gillette, | McClester, | Sarge, |
| Bentley, | Goodwin, | McDermott, | Sarra, |
| Boles, | Greenwood, | McDowell, | Scanlon, |
| Boorse, | Gross, | McFall, | Schwab, |
| Bower, | Gryskewicz, | McGrath, | Serrill, |
| Bradley, | Gyger, | McIntosh, | Shaffer, |
| Breth, | Habbyshaw, | McKinney, | Shaw, |
| Bretherick, | Haberlen, | McLanahan, | Shepard, |
| Brown, | Haines, | McLane, | Simons, |
| Brunner, C. H., | Hall, | McMillen, | Skale, |
| Brunner, P. A., | Hamilton, | McSurdy, | Snyder, |
| Burns, | Hare, | Melchiorre, | Sollenberger, |
| Cadwalader, | Harkins, | Mihm, | Sorg, |
| Chervenak, | Harmuth, | Modell, | Stambaugh, |
| Chudoff, | Harris, | Monks, | Stank, |
| Cochran, | Heatherington, | Mooney, | Stine, |
| Cohen, M. M., | Helm, | Moran, | Stockham, |
| Cohen, R. E., | Hering, | Moul, | Tarr, |
| Cook, | Herman, | Muir, | Tate, |
| Cooper, | Hersch, | Munley | Taylor, |
| Cordier, | Hewitt, | Nagel | Thompson, E. F., |
| Corrigan, | Hirsch, | Nunemacher, | Thompson, R. L., |
| Croop, | Holland, | O'Brien, | Trout, |
| Cullen, | Huntley, | O'Connor, | Turner, |
| Dalrymple, | Imbrie, | O'Dare, | Van Allsburg, |
| Dennison, | James, | O'Mullen, | Verona, |
| DiGenova, | Jefferson, | O'Neill, | Vincent, |
| Dix, | Jones, G. E., | Owens, | Vos, |
| Dolon, | Jones, P. N., | Petrosky, | Voldow, |
| D'Ortona, | Keenan, | Pettit, | Voorhees, |
| Duffy, | Kenehan, | Polaski, | Watkins, |
| Early, | Kilne, | Polen, | Weingartner, |
| Eckels, | Knoble, | Powers, | Weiss, |
| Elders, | Kolankiewicz, | Prosen, | Welsh, E. B., |
| Ellott, | Komorowski, | Rank, | Welsh, M. J., |
| Ely, | Lee, E. A., | Rausch, | Williams, |
| Falkenstein, | Lee, T. H., | Readinger, | Winner, |
| Finestone, | Lelsey, | Reagan, | Wolf, |
| Finnerty, | Leonard, | Reese, D. P., | Wood, L. H., |
| Fiss, | Lesko, | Reese, R. E., | Wood, N., |
| | Levy, | Regan, | Woodring, |

Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foor,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1739, as follows:

An Act to amend Route 38043 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Route 38043 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is hereby amended to read as follows:

Route 38043 Beginning at a point in Union Township intersecting Route 140-E near Murray thence in [a] an easterly and general northerly direction through Union and Cold Spring Townships via Gold Mine to a point on the Dauphin-Lebanon County line about [25 mile] 1.5 miles west of the Schuylkill County line in Lebanon County a distance of about [6.0] 6.11 miles

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gates,	Malloy,	Rosenfeld,
Baker,	Gerard,	Maxwell,	Royer,
Balthaser,	Gillan,	McClanaghan,	Rush,
Baughner,	Gillette,	McClester,	Sarge,
Bentley,	Goodwin,	McDermott,	Sarra,
Boles,	Greenwood,	McDowell,	Scanlon,
Boorse,	Gross,	McFall,	Schwab,
Bower,	Gryskewicz,	McGrath,	Serrill,
Bradley,	Gyger,	McIntosh,	Shaffer,
Breth,	Habbyshaw,	McKinney,	Shaw,
Bretherick,	Haberlen,	McLanahan,	Shepard,
Brown,	Haines,	McLane,	Simons,
Brunner, C. H.,	Hall,	McMillen,	Skale,
Brunner, P. A.,	Hamilton,	McSurdy,	Snyder,

Burns,	Hare,	Melchiorre,	Sollenberger,
Cadwalader,	Harkins,	Mihm,	Sorg,
Chervenak,	Harmuth,	Modell,	Stambaugh,
Chudoff,	Harris,	Monks,	Stank,
Cochran,	Heatherington,	Mooney,	Stine,
Cohen, M. M.,	Helm,	Moran,	Stockham,
Cohen, R. E.,	Hering,	Moul,	Tarr,
Cook,	Herman,	Muir,	Tate,
Cooper,	Hersch,	Munley,	Taylor,
Cordier,	Hewitt,	Nagel,	Thompson, E. F.,
Corrigan,	Hirsch,	Nunemacher,	Thompson, R. L.,
Croop,	Holland,	O'Brien,	Trout,
Cullen,	Huntley,	O'Connor,	Turner,
Dalrymple,	Imbrie,	O'Dare,	Van Allsburg,
Dennison,	James,	O'Mullen,	Verona,
DiGenova,	Jefferson,	O'Neill,	Vincent,
Dix,	Jones, G. E.,	Owens,	Vogt,
Dolon,	Jones, P. N.,	Petrosky,	Voldow,
D'Ortona,	Keenan,	Pettit,	Voorhees,
Duffy,	Kenehan,	Polaski,	Watkins,
Early,	Kline,	Polen,	Weingartner,
Eckels,	Knoble,	Powers,	Welss,
Elder,	Kolankiewicz,	Prosen,	Weish, E. B.,
Elliot,	Komorowski,	Rank,	Weish, M. J.,
Ely,	Lee, E. A.,	Rausch,	Williams,
Falkenstein,	Lee, T. H.,	Readinger,	Winnier,
Finestone,	Lelsey,	Reagan,	Wolf,
Finnerty,	Leonard,	Reese, D. P.,	Wood, L. H.,
Fiss,	Lesko,	Reese, R. E.,	Wood, N.,
Fleming,	Levy,	Regan,	Woodring,
Fletcher,	Leydic,	Reynolds,	Woodside,
Flynn,	Lichtenwalter,	Rhea,	Wright,
Foor,	Longo,	Riley,	Yeakel,
French,	Lovett,	Rooney,	Yester,
Gallagher,	Lyons,	Rose, S.,	Young,
	Marks,	Rose, W. E.,	Kilroy,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1370, entitled:

An Act to amend section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth" further regulating the removal discharge or reduction in pay or position of officers clerks and employes in the classified civil service

On the question,

Will the House agree to the bill on third reading?

Mr. SAMUEL ROSE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 118), page 2, line 6, by striking out the light-faced bracket before the work "until."

Amend Sec. 1 (Sec. 18), page 2, line 14, by inserting after the word "records" the following: "within sixty days after the receipt of notice of removal, discharge or demotion in pay or position, the commission may upon its own initiative or shall upon request of the employee affected, make such investigation as it may deem advisable either sitting as a body or through one or more of its members The investigation, inquiry or hearing is declared to be for the purpose of fairly determining whether or not the employee involved by reason of his act or acts as charged and his record of service merits continuance therein or should be removed therefrom or demoted or otherwise disciplined for the good of the service. In such investigations, inquiries or hearings, the commission shall not be required to follow established rules of evidence or

court procedure, but shall seek information and evidence bearing on the merits of the case. The records of such investigations and all hearings shall be open to the public and the employe sought to be removed, discharged or demoted shall have opportunity to be heard personally or through counsel in his own defense. Within twenty days after the completion of such investigation or hearing, or sooner if practicable, the commission shall make its findings and conclusions which shall be forthwith certified to and enforced by the appointing authority. The commission may in its discretion after making its investigation of the charges against said employe affected, order said employe to be reinstated without holding any further inquiry or hearing. The commission shall have the authority after its disapproval of the removal, discharge or reduction in pay or position of the employe affected to restore pay to the employe for the period of such removal, discharge or reduction in pay or position.

Amend Sec. 1 (Sec. 18), page 2, line 15, by striking out the light-faced bracket after the word "No" and the words "and no."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 1802, Printer's No. 915, was passed over at the request of Mr. MONKS.

There being no objection House Bill No. 1231, Printer's No. 920, and House Bill No. 259, Printer's No. 964, were passed over at the request of Mr. READINGER.

There being no objection House Bill No. 636, Printer's No. 968, was passed over at the request of Mr. MELCHIORRE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 777, as follows:

An Act to amend section two thousand five hundred five A of the act approved the ninth of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" further regulating the fixing of maximum and minimum salaries by

the Department of Public Assistance and the employment Board and providing for increases of salaries in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand five hundred five A of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P L 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" which was added thereto by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P L 2003) is hereby amended to read as follows

Section 2505-A Joint Actions by Department of Employment Board The Department of Public Assistance and the Employment Board shall jointly have the following functions and duties

(1) To classify employment positions according to the duty involved and the qualifications required

(2) To fix maximum and minimum salaries for each class of employment subject to the provisions of the following paragraphs

(a) An increase which shall not be less than at the rate of sixty dollars (\$60.00) per annum over the present rate of compensation now being paid such employe payable in equal semi-monthly installments for a period of six months beginning with the effective date of this act

(b) An increase which shall not be less than at the rate of one hundred and twenty dollars (\$120.00) per annum over the present rate of compensation now being paid such employe payable in equal semi-monthly installments for the period of six months beginning immediately following the six month period set forth in the preceding paragraph (a) hereof

(c) An increase which shall not be less than at the rate of one hundred and eighty dollars (\$180.00) per annum over the present rate of compensation now being paid such employe payable in equal semi-monthly installments for the period of six months beginning immediately following the six month period set forth in the preceding paragraph (b) hereof

(d) The provisions of this subsection shall not apply to any salaries in excess of one thousand six hundred and twenty dollars (\$1,620) per annum

Section 2 This act shall become effective on the first day of July one thousand nine hundred and forty-one

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,
Baker,
Balthaser,

Gerard,
Gillan,
Gillette,

Maxwell,
McClanaghan,
McClester,

Rosenfeld,
Royer,
Rush,

Baughner,	Goodwin,	McDermott,	Sarge,
Bentley,	Greenwood,	McDowell,	Sarrafi,
Boles,	Gross,	McFall,	Scanlon,
Boorse,	Gryskewicz,	McGrath,	Schwab,
Bower,	Gyger,	McIntosh,	Serrill,
Bradley,	Habbyshaw,	McKinney,	Shaffer,
Breth,	Haberlen,	McLanahan,	Shaw,
Bretherick,	Haines,	McLane,	Shepard,
Brown,	Hall,	McMillen,	Simons,
Brunner, C. H.,	Hamilton,	McSurdy,	Skale,
Brunner, P. A.,	Hare,	Melchiorre,	Snyder,
Burns,	Harkins,	Mihm,	Sollenberger,
Cadwalader,	Harmuth,	Modell,	Sorg,
Chervenak,	Harris,	Monks,	Stambaugh,
Chudoff,	Heatherington,	Mooney,	Stank,
Cochran,	Heim,	Moran,	Stine,
Cohen, M. M.,	Hering,	Moul,	Stockham,
Cohen, R. E.,	Herman,	Muir,	Tarr,
Cook,	Hersch,	Munley,	Tate,
Cooper,	Hewitt,	Nagel,	Taylor,
Cordier,	Hirsch,	Nunemacher,	Thompson, E. F.,
Corrigan,	Holland,	O'Brien,	Thompson, R. L.,
Croop,	Huntley,	O'Connor,	Trout,
Cullen,	Imbrie,	O'Dare,	Turner,
Dalrymple,	James,	O'Mullen,	VanAllsburg,
Dennison,	Jefferson,	O'Neill,	Verona,
DiGenova,	Jones, G. E.,	Owens,	Vincent,
Dix,	Jones, P. N.,	Petrosky,	Vogt,
Dolon,	Keenan,	Pettit,	Voldow,
D'Ortona,	Kenehan,	Polaski,	Voorhees,
Duffy,	Kline,	Polen,	Watkins,
Early,	Knoble,	Powers,	Weingartner,
Eckels,	Kolankiewicz,	Prosen,	Weiss,
Elder,	Komorowski,	Rank,	Welsh, E. B.,
Elliott,	Lee, E. A.,	Rausch,	Welsh, M. J.,
Ely,	Lee, T. H.,	Readinger,	Williams,
Falkenstein,	Lelsey,	Reagan,	Winner,
Finestone,	Leonard,	Reese, D. P.,	Wolf,
Finnerty,	Lesko,	Reese, R. E.,	Wood, L. H.,
Fliss,	Levy,	Regan,	Wood, N.,
Fleming,	Leydic,	Reynolds,	Woodring,
Fletcher,	Lichtenwalter,	Rhea,	Woodside,
Flynn,	Longo,	Riley,	Wright,
Foor,	Lovett,	Rooney,	Yeakel,
French,	Lyons,	Rose, S.,	Yester,
Gallagher,	Malloy,	Rose, W. E.,	Young,
Gates,	Marks,		Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1771, as follows:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce annulment of marriage adoption and annulment of adoption proceedings providing for the registration of such certificates by the said department the issuance of certified copies thereof and fixing fees and penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 For every divorce absolute or limited every annulment of marriage and every adoption or annulment of adoption decreed by any court the clerk of said court shall prepare within ten days after the decree becomes final from the court records a certificate of such decrees on forms furnished by the Department of Health and on or before the fifteenth day of each calendar month the clerk shall forward those certificates which were prepared by him during the preceding calendar month to the Department of Health

All such certificates shall be filed and registered by the Department of Health as part of its record of vital statistics

Section 2 Every clerk of the court shall be entitled to a recording fee in the amount of fifty cents (50c)

for each certificate prepared and forwarded by him to the Department of Health as herein provided which fee shall be assessed as part of the costs of said proceedings

Section 3 The Department of Health shall upon request and the payment of a fee of one dollar (\$1.00) furnish any applicant a certified copy of any certificate registered in its office under the provisions of this act and such certified copy shall be prima facie evidence in all courts and places of the facts therein stated

Section 4 Any clerk of court who shall neglect or refuse to perform any of the duties imposed upon him by this act shall upon summary conviction be sentenced to pay a fine of not more than fifty dollars (\$50) and the costs of prosecution and in default of the payment thereof to undergo imprisonment for not more than thirty days

Any person who shall wilfully furnish a false certificate or a false copy of a certificate provided for by this act or alter any such certificate or copy of any such certificate shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or to undergo an imprisonment of not more than sixty days or both

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Rosenfeld,
Baker,	Gillan,	McClanaghan,	Royer,
Balthaser,	Gillette,	McClester,	Rush,
Baughner,	Goodwin,	McDermott,	Sarge,
Bentley,	Greenwood,	McDowell,	Sarrafi,
Boles,	Gross,	McFall,	Scanlon,
Boorse,	Gryskewicz,	McGrath,	Schwab,
Bower,	Gyger,	McIntosh,	Serrill,
Bradley,	Habbyshaw,	McKinney,	Shaffer,
Breth,	Haberlen,	McLanahan,	Shaw,
Bretherick,	Haines,	McLane,	Shepard,
Brown,	Hall,	McMillen,	Simons,
Brunner, C. H.,	Hamilton,	McSurdy,	Skale,
Brunner, P. A.,	Hare,	Melchiorre,	Snyder,
Burns,	Harkins,	Mihm,	Sollenberger,
Cadwalader,	Harmuth,	Modell,	Sorg,
Chervenak,	Harris,	Monks,	Stambaugh,
Chudoff,	Heatherington,	Mooney,	Stank,
Cochran,	Heim,	Moran,	Stine,
Cohen, M. M.,	Hering,	Moul,	Stockham,
Cohen, R. E.,	Herman,	Muir,	Tarr,
Cook,	Hersch,	Munley,	Tate,
Cooper,	Hewitt,	Nagel,	Taylor,
Cordier,	Hirsch,	Nunemacher,	Thompson, E. F.,
Corrigan,	Holland,	O'Brien,	Thompson, R. L.,
Croop,	Huntley,	O'Connor,	Trout,
Cullen,	Imbrie,	O'Dare,	Turner,
Dalrymple,	James,	O'Mullen,	VanAllsburg,
Dennison,	Jefferson,	O'Neill,	Verona,
DiGenova,	Jones, G. E.,	Owens,	Vincent,
Dix,	Jones, P. N.,	Petrosky,	Vogt,
Dolon,	Keenan,	Pettit,	Voldow,
D'Ortona,	Kenehan,	Polaski,	Voorhees,
Duffy,	Kline,	Polen,	Watkins,
Early,	Knoble,	Powers,	Weingartner,
Eckels,	Kolankiewicz,	Prosen,	Weiss,
Elder,	Komorowski,	Rank,	Welsh, E. B.,
Elliott,	Lee, E. A.,	Rausch,	Welsh, M. J.,
Ely,	Lee, T. H.,	Readinger,	Williams,
Falkenstein,	Lelsey,	Reagan,	Winner,
Finestone,	Leonard,	Reese, D. P.,	Wolf,
Finnerty,	Lesko,	Reese, R. E.,	Wood, L. H.,
Fliss,	Levy,	Regan,	Wood, N.,
Fleming,	Leydic,	Reynolds,	Woodring,
Fletcher,	Lichtenwalter,	Rhea,	Woodside,
Flynn,	Longo,	Riley,	Wright,
Foor,	Lovett,	Rooney,	Yeakel,
French,	Lyons,	Rose, S.,	Yester,
Gallagher,	Malloy,	Rose, W. E.,	Young,
Gates,	Marks,		Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1643, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for the manner of payment of escheator's fees informant's commissions and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat designating the funds to which such moneys shall be credited and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Article thirteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended by

adding thereto after section one thousand three hundred and fourteen a new section to read as follows:

Section 1315 Manner of Payment of Escheator's Fees Informant's Commissions and Other Charges Due from Escheated Moneys All moneys which shall be escheated to the Commonwealth and all moneys subject to escheat but paid to the Commonwealth without escheat and transmitted to the Treasury Department shall be credited to separate accounts which shall be designated "escheat accounts"

All escheator's fees informant's commissions and other lawful costs in any case chargeable against any particular escheat account shall be paid therefrom upon requisition of the Department of Revenue and warrant of the Auditor General and so much of said moneys in such escheat account as may from time to time be necessary to pay such fees commissions and charges against such escheat account is hereby appropriated for such purposes

When all escheator's fees informant's commissions and other lawful charges against any escheated moneys or any funds subject to escheat but paid to the Commonwealth without escheat have been paid in any escheat case or when there are no such fees commissions or charges due the Department of Revenue shall so certify to the Treasury Department Upon receipt of the certification of the Department of Revenue that all such fees commissions and charges have been paid in a particular escheat case or that none are due the Treasury Department shall transfer the net proceeds from that case if it be from an escheated decedent's estate to the State School Fund and if it be from any other escheat or escheatable property to the General Fund

Section 2 All acts or parts of act inconsistent herewith are hereby repealed

Section 3 This act shall be effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gates,	Malloy,	Rose, W. E.,
Baker,	Gerard,	Marks,	Rosenfeld,
Balthaser,	Gillan,	Maxwell,	Royer,
Baughner,	Gillette,	McClanaghan,	Rush,
Bentley,	Goodwin,	McClester,	Sarge,
Boles,	Greenwood,	McDermott,	Sarra,
Boorse,	Gross,	McDowell,	Scanlon,
Bower,	Gryskewicz,	McFall,	Schwab,
Bradley,	Gyger,	McGrath,	Serrill,
Breth,	Habbyshaw,	McIntosh,	Shaffer,
Bretherick,	Haberlen,	McKinney,	Shaw,
Brown,	Haines,	McLanahan,	Shapiro,
Brunner, C. H.,	Hall,	McLane,	Simons,
Brunner, P. A.,	Hamilton,	McMillen,	Skala,
Burns,	Hare,	McSurdy,	Snyder,
Cadwalader,	Harkins,	Melchiorre,	Sollenberger,
Chervonak,	Harmuth,	Mihm,	Sorg,
Chudoff,	Harris,	Modell,	Stambaugh,
Cochran,	Heatherington,	Monks,	Stank,
Cohen, M. M.,	Helm,	Mooney,	Stine,
Cohen, R. E.,	Hering,	Moran,	Stockham,
Cook,	Herman,	Moul,	Tarr,
Cooper,	Hersch,	Muir,	Tate,
Cordier,	Hewitt,	Munley,	Taylor,
Corrigan,	Hirsch,	Nagel,	Thompson, E. F.,
Croop,	Holland,	Nunemacher,	Thompson, R. L.,
Cullen,	Huntley,	O'Brien,	Trout,
Dalrymple,	Imbrie,	O'Connor,	Turner,
Dennison,	James,	O'Dare,	VanAllsburg,
DiGenova,	Jefferson,	O'Mullen,	Verona,
Dix,	Jones, G. E.,	O'Neill,	Vincent,
Dolon,	Jones, P. N.,	Owens,	Vogt,
D'Ortona,	Keenan,	Petrosky,	Voldow,
Duffy,	Keenehan,	Pettit,	Voorhees,
Early,	Kline,	Polaski,	Watkins,
Eckels,	Knoble,	Polen,	Weingartner,
		Powers,	Weiss,

Elder,	Kolankiewicz,	Prosen,	We. E. B.,
Elliot,	Komorowski,	Rank,	W. M. J.,
Ely,	Lee, E. A.,	Rausch,	Willam,
Falkenstein,	Lee, T. H.,	Readinger,	Winner,
Finestone,	Lelsey,	Reagan,	Wolf,
Finnerty,	Leonard,	Reese, D. P.,	Wood, L. H.,
Fiss,	Lesko,	Reese, R. E.,	Wood, N.,
Fleming,	Levy,	Regan,	Woodring,
Fletcher,	Leydic,	Reynolds,	Woodside,
Flynn,	Lichtenwalter,	Rhea,	Wright,
For,	Longo,	Riley,	Yeakel,
French,	Lovett,	Rooney,	Yester,
Gallagher,	Lyons,	Rose, S.,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1719, as follows:

An Act to add clause (k) to section two thousand one hundred two and to repeal clause (d) of section two thousand one hundred ten of the act approved the ninth day of April one thousand nine hundred twenty nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health to conform with the provisions of the Public Utility Law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section two thousand one hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and em-

ployes of certain departments boards and commissions shall be determined" is hereby amended by adding at the end thereof a new clause to read as follows

Section 2102 General Health Administration The Department of Health shall have the power and its duty shall be

* * *

(k) To investigate hold hearings upon and determine any question of fact regarding the purity of water supplied to the public by any public utility over which the Pennsylvania Public Utility Commission has jurisdiction whenever said commission shall certify such question to the department

The findings of the department upon any such questions shall be incorporated in and made a part of the determination or decision of said commission of the controversy or other proceeding in connection with which the question arose and shall be binding upon the parties to such controversy or other proceeding unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law

Section 2 Clause (d) of section two thousand one hundred ten of said act as amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1865) is hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Gillette,	McGlester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarraf,
Bentley,	Greenwood,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mithm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Mcul,	Tarr,
Cohen, R. E.,	Herman,	Muir,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	VanAllsburg,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGiovanna,	Jones, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Welsh,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Welsh, M. J.,
Elliot,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Lelsey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
		Rooney,	

Foor, French, Gallagher, Gates.	Lovett, Lyons, Malloy, Marks,	Rose, S., Rose, W. E., Rosenfeld,	Yester, Young, Kilroy, Speaker.
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NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 1835, as follows:

An Act creating a Highway Traffic Advisory Committee to the War Department of the United States of America providing for its appointment prescribing the powers and duties and authorizing the use by the committee of the employees equipment supplies and facilities of certain State agencies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Whereas the Secretary of War of the United States of America has requested the Governor of this Commonwealth to appoint a Highway Traffic Advisory Committee to the War Department of the United States to consist of a representative of the Department of Highways the Department of Revenue and the Pennsylvania Motor Police for the purpose of advising and assisting the War Department in matters of national defense pertaining to highway transportation and highway transportation equipment and

Whereas the Commonwealth is vitally concerned in the defense of the nation and the preparation therefor and

Whereas it is in the interest of the Commonwealth that such defense preparation be carried on with minimum interference with normal civilian functions

Section 1 There is hereby created the Pennsylvania Highway Traffic Advisory Committee hereinafter referred to as the "committee" which shall be composed of a representative of the Department of Highways a representative of the Department of Revenue and a representative of the Pennsylvania Motor Police who shall be appointed by the Governor to serve at his pleasure The Governor shall designate one of its members as chairman The members of the committee shall receive no additional compensation for their services

Section 2 The committee shall have the power and its duty shall be

(a) To cooperate with the agencies of this and other states and of the Federal government which are connected with national defense in the formulation and execution of plans for the rapid and safe movement over the highways of troops vehicles of a military nature and materials affecting the national defense

(b) To coordinate the activities of the Department of Highways the Department of Revenue and the Pennsylvania Motor Police in a manner which will best serve to effectuate any such plan for the rapid and safe movement of troops vehicles and materials as referred to in paragraph (a) of this section

(c) To solicit the cooperation of officials of the various political subdivisions of the Commonwealth in the proper execution of such plans

(d) To take an inventory by counties of the trucks and busses in the Commonwealth publicly and privately owned which would be available in case of emergency affecting the national defense

Section 3 The committee may in conjunction with any interested public or private agency conduct a highway safety and driver training program as an aid to the national defense

Section 4 The Department of Highways the Department of Revenue and the Pennsylvania Motor Police with the

approval of the Governor shall cooperate with the committee in the use of such of their employees facilities supplies and equipment as the committee with the approval of the Governor shall deem necessary to enable it to carry out its functions under this act The traveling and other expenses of members of the committee and of such employees shall be paid out of the appropriations to the State agencies with which they are associated

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker, Baker, Balthaser, Baugher, Bentley, Boles, Boorse, Bower, Bradley, Breth, Bretherick, Brown, Brunner, C. H., Brunner, P. A., Burns, Cadwalader, Chervenak, Chudoff, Cochran, Cohen, M. M., Cohen, R. E., Cook, Cooper, Cordier, Corrigan, Croop, Cullen, Dalrymple, Dennison, DiGenova, Dix, Dolon, D'Ortona, Duffy, Early, Eckels, Elder, Elliot, Ely, Falkenstein, Finestone, Finnerty, Fiss, Fleming, Fletcher, Flynn, Foor, French, Gallagher, Gates,	Gerard, Gillan, Gillette, Goodwin, Greenwood, Gross, Gryskewicz, Gyger, Habbyshaw, Haberlen, Haines, Hall, Hamilton, Hare, Harkins, Harmuth, Harris, Heatherington, Helm, Hering, Herman, Hersch, Hewitt, Hirsch, Holland, Huntley, Imbrie, James, Jefferson, Jones, G. E., Jones, P. N., Keenan, Kenehan, Kilne, Knoble, Kolankiewicz, Komorowski, Lee, E. A., Lee, T. H., Lelsey, Leonard, Lesko, Levy, Leydic, Lichtenwalter, Longo, Lovett, Lyons, Malloy, Marks,	Maxwell, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath, McIntosh, McKinney, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Mihm, Modell, Monks, Mooney, Moran, Moul, Muir, Munley, Nagel, Nunemacher, O'Brien, O'Connor, O'Dare, O'Mullen, O'Neill, Owens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rank, Rausch, Readinger, Reagan, Reese, D. P., Reese, R. E., Regan, Reynolds, Rhea, Riley, Rooney, Rose, S., Rose, W. E., Rosenfeld,	Royer, Rush, Sarge, Sarraf, Scanlon, Schwab, Serrill, Shaffer, Shaw, Shepard, Simons, Skale, Snyder, Sollenberger, Sorg, Stambaugh, Stank, Stine, Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, R. L., Trout, Turner, VanAlleburg, Verona, Vincent, Vogt, Voldow, Voorhees, Watkins, Weingartner, Welss, Welsh, E. E., Welsh, M. J., Williams, Winner, Wolf, Wood, L. H., Wood, N., Woodring, Woodside, Wright, Yeakel, Yester, Young, Kilroy, Speaker.
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NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 1397, as follows:

An Act to amend the act approved the fifth day of May

one thousand nine hundred thirty-three (P L 457), entitled "An act relating to the business of building and loan association providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" as amended by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section seven hundred seven of the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows

Section 707 Filing of Articles of Amendments Payment of Fees Approval by Department of State A The articles of amendment [and] the proof of publication of the advertisement required by this act and a certificate or certificates from the proper department or departments evidencing payment by the corporation of all taxes and charges as required by law shall be delivered to the Department of State

B The Department of State shall examine such articles of amendment [and] such proof of publication and such certificate or certificates herein required to be delivered therewith to determine whether they contain all the information and are in the form required by this act After all the fees taxes and other charges have been paid as required by law except for the costs of any examinations made by the Department of Banking pursuant to the provisions of this act to determine whether to approve the amendment or any other charges made by the Department of Banking the Department of State shall if the articles of amendment and the proof of publication contain the information and are in the form required by this act forthwith but not prior to the day specified in the advertisement of the intention of the association to file the articles endorse its approval thereon and shall forthwith transmit them to the Department of Banking

C If the Department of State shall disapprove the articles of amendment pursuant to the provisions of this act it shall forthwith give notice thereof to the association stating in detail its reasons for doing so and stating how such association can remedy the nonconformance with the provisions of this act Upon remedying the defect such association may in the same manner file the same or amended articles whichever the particular case may require

Section 2 Section one thousand five of said act as amended by the act approved the fifteenth day of March one thousand nine hundred thirty-seven (P. L. 63) is hereby further amended to read as follows

Section 1005 Filing of Articles of Merger Consolidation or Conversion Payment of Fees Approval by Department of State A The articles of merger consolidation or conversion as the case may be [and] the proof of publication of the advertisement required by this act and a certificate or certificates from the proper department or departments evidencing payment by the corporation of all taxes

and charges as required by law shall be delivered to the Department of State

B The Department of State shall examine such articles of merger consolidation or conversion [and] such proof of publication and such certificate or certificates herein required to be delivered therewith to determine whether they contain all the information and are in the form required by this act and also whether the name of the surviving new or converted association as the case may be conforms with the requirements of law for the name of such an association or if the name is not the same as either or any of the merging or consolidating associations whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public

After all the fees taxes and other charges have been paid as required by law except for the costs of an examination made by the Department of Banking pursuant to the provisions of this act to determine whether to approve the merger consolidation or conversion or any other charges made by the Department of Banking the Department of State if the articles of merger consolidation or conversion the certificate or certificates herein required to be delivered therewith and the proof of publication contain the information and are in the form required by this act shall forthwith but not prior to the day specified in the advertisement of the intention to file the articles endorse its approval thereon and shall forthwith transmit them to the Department of Banking

C If the Department of State shall disapprove the articles of merger consolidation or conversion pursuant to this act it shall forthwith give notice thereof to the association or Federal savings and loan association stating in detail its reasons for doing so and stating how such association or Federal savings and loan association can remedy the non-conformance with the provisions of this act Upon remedying the defect such association or Federal savings and loan association may in the same manner file the same or amended articles whichever the particular case may require

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarra,
Bentley,	Greenwood,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mohm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M M.,	Hering,	Moul,	Tarr,
Cohen, R E.,	Herman,	Muir,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	Van Allsburg,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,

Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Welsh, M. J.,
Elliot,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Lelsey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foor,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, W. E.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy, Speaker.
Gates,	Marks,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1797, as follows:

An Act making an appropriation to the committee appointed by the Speaker of the House of Representatives to investigate the maintenance operation and conduct of all State hospitals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby specifically appropriated to the committee appointed by the Speaker of the House of Representatives to investigate the maintenance operation and conduct of all State hospitals pursuant to House Resolution No. 89 Serial No. 167 Printer's No. 543 adopted by the House of Representatives May 20 1941 for the payment of the expenses of such investigation by the committee including traveling expenses cost of subpoenaing witnesses witness fees stenographic service the wages or other compensation of necessary clerical assistants and any other expenses of every kind and description which may be authorized by a majority of the committee in connection with the conduct of its work

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarra,
Bentley,	Greenwood,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Familton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Soilenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,

Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tarr,
Cohen, R. E.,	Herman,	Mulr,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Cullen,	Huntley,	O'Connor,	Turner,
Dalrymple,	Imbrie,	O'Dare,	Van Allsburg,
Dennison,	James,	O'Mullen,	Verona,
DiGenova,	Jefferson,	O'Neill,	Vincent,
Dix,	Jones, G. E.,	Owens,	Vogt,
Dolon,	Jones, P. N.,	Petrosky,	Vollow,
D'Ortona,	Keenan,	Pettit,	Voorhees,
Duffy,	Kenehan,	Polaski,	Watkins,
Early,	Kline,	Polen,	Weingartner,
Eckels,	Knoble,	Powers,	Weiss,
Elder,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elliot,	Komorowski,	Rank,	Welsh, M. J.,
Ely,	Lee, E. A.,	Rausch,	Williams,
Falkenstein,	Lee, T. H.,	Readinger,	Winner,
Finestone,	Lelsey,	Reagan,	Wolf,
Finnerty,	Leonard,	Reese, D. P.,	Wood L. H.,
Fiss,	Lesko,	Reese, R. E.,	Wood, N.,
Fleming,	Levy,	Regan,	Woodring,
Fletcher,	Leydic,	Reynolds,	Woodside,
Flynn,	Lichtenwalter,	Rhea,	Wright,
Foor,	Longo,	Riley,	Yeakel,
French,	Lovett,	Rooney,	Yester,
Gallagher,	Lyons,	Rose, S.,	Young,
Gates,	Malloy,	Rose, W. E.,	Kilroy,
	Marks,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1013, as follows:

An Act to repeal section five of the act approved the fourth day of May one thousand nine hundred and five (P. L. 385), entitled "A act creating the Water Supply Commission of Pennsylvania defining its duties fixing the scope of its authority and powers and making an appropriation for the payment of the salaries and expenses connected therewith" prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five of the act approved the fourth day of May one thousand nine hundred and five (P. L. 385), entitled "An act creating the Water Supply Commission of Pennsylvania defining its duties fixing the scope of its authority and powers and making an appropriation for the payment of the salaries and expenses connected therewith" is hereby repealed absolutely

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarra,
Bentley,	Greenwood,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,

Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tarr,
Cohen, R. E.,	Herman,	Muir,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	VanAllsburg,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Welsh, M. J.,
Elliott,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Leisey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foor,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy, Speaker
Gates,	Marks,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1838, as follows:

An Act making an appropriation to the Department of Highways for the purpose of making a survey of a certain State highway and conferring certain powers upon the Department of Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-five thousand dollars (\$25,000) or so much thereof as shall be necessary is hereby specifically appropriated out of the Motor License Fund to the Department of Highways in order to enable the said Department of Highways to survey the present State highway designated as legislative Route 736 traffic Route 837 from the city line in the south side district of the City of Pittsburgh Allegheny County through to the Washington County line near the village of Elrama in Jefferson Township Allegheny County Said survey should be made for the purpose of highway improvement for determining whether or not any portion of said State highway should be relocated widened or improved

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gates,	Marks,	Rosenfeld,
Baker,	Geraad,	Maxwell,	Royer,
Balthaser,	Gillan,	McClanaghan,	Rush,
Baugher,	Gillette,	McClester,	Sarge,
Bentley,	Goodwin,	McDermott,	Sarra,
Boies,	Greenwood,	McDowell,	Scanlon,
Boorse,	Gross,	McFall,	Schwab,
Bower,	Gryskewicz,	McGrath,	Serrill,
Bradley,	Gyger,	McIntosh,	Shaffer,
Breth,	Habbyshaw,	McKinney,	Shepard,
Bretherick,	Haberlen,	McLanahan,	Shaw,
Brown,	Haines,	McLane,	Simons,
Brunner, C. H.,	Hall,	McMillen,	Skale,
Brunner, P. A.,	Hamilton,	McSurdy,	Snyder,
Burns,	Hare,	Melchiorre,	Sollenberger,
Cadwalader,	Harkins,	Mihm,	Sorg,
Chervenak,	Harmuth,	Modell,	Stambaugh,
Chudoff,	Harris,	Monks,	Stank,
Cochran,	Heatherington,	Mooney,	Stine,
Cohen, M. M.,	Helm,	Moran,	Stockham,
Cohen, R. E.,	Hering,	Moul,	Tarr,
Cook,	Herman,	Muir,	Tate,
Cooper,	Hersch,	Munley,	Taylor,
Cordier,	Hewitt,	Nagel,	Thompson, E. F.,
Corrigan,	Hirsch,	Nunemacher,	Thompson, R. L.,
Croop,	Holland,	O'Brien,	Trout,
Cullen,	Huntley,	O'Connor,	Turner,
Dalrymple,	Imbrie,	O'Dare,	Van Allsburg,
Dennison,	James,	O'Mullen,	Verona,
DiGenova,	Jefferson,	O'Neill,	Vincent,
Dix,	Jones, G. E.,	Owens,	Vogt,
Dolon,	Jones, P. N.,	Petrosky,	Voldow,
D'Ortona,	Keenan,	Pettit,	Voorhees,
Duffy,	Kenehan,	Polaski,	Watkins,
Early,	Kline,	Polen,	Weingartner,
Eckels,	Knoble,	Powers,	Weiss,
Elder,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elliott,	Komorowski,	Rank,	Welsh, M. J.,
Ely,	Lee, E. A.,	Rausch,	Williams,
Falkenstein,	Lee, T. H.,	Reagan,	Winner,
Finestone,	Leisey,	Readinger,	Wolf,
Finnerty,	Leonard,	Reese, D. P.,	Wood, L. H.,
Fiss,	Lesko,	Reese, R. E.,	Wood, N.,
Fleming,	Levy,	Regan,	Woodring,
Fletcher,	Leydic,	Reynolds,	Woodside,
Flynn,	Lichtenwalter,	Rhea,	Wright,
Foor,	Longo,	Riley,	Yeakel,
French,	Lovett,	Rooney,	Yester,
Gallagher,	Lyons,	Rose, S.,	Young,
Gates,	Malloy,	Rose, W. E.,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1765, Printer's No. 947, was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1237, as follows:

An Act to amend Route 64248 of section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Route 64248 of section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" which route was added by section two of the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 746) is hereby amended to read as follows

Route 64248 Beginning at a point on Route 69 in the borough of Oklahoma near the west end of the bridge across the Kiskiminetas River thence northerly to the Oklahoma Borough-Allegheny Township line at its intersection with the Sheridan Road extended beginning again on the Allegheny Township-East Vandergrift Borough line thence northerly and northeasterly over the Sheridan Road and McKinley Avenue in East Vandergrift Borough to Chambers Street thence over Chambers Street to Vandergrift Lane thence over Vandergrift Lane to the East Vandergrift-Vandergrift Borough line thence northerly to a point on Route 188 in the borough of Vandergrift a distance of about 2.0 miles in the boroughs of Oklahoma East Vandergrift and Vandergrift Westmoreland County

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarra,
Bentley,	Greenwood,	McDowell,	Scanlon,
Biles,	Gross,	McFall,	Schwab,
Boorse,	Cryskewicz,	McGrath,	Serrill,
Bower,	Cyger,	McIntosh,	Shaffer,
Bradley,	Eabbyshaw,	McKinney,	Shaw,
Breth,	Haslerien,	McLanahan,	Shepard,
Bretherick,	Kaines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Eare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorb,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Heini,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tarr,
Cohen, R. E.,	Herman,	Muir,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	VanAllsburg,
Dalrymple,	James,	O'Mullen,	Vincent,
Dennison,	Jefferson,	O'Neill,	Verona,
DiGenova,	Jon, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Welsh, M. J.,
Elliot,	Lee A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Lelsey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,

Flynn
Foor,
French,
Gallagher,
Gates,

Longo,
Lovett,
Lyons,
Malloy,
Marks,

Riley,
Rooney,
Rose, S.,
Rose, W. E.,
Rosenfeld,

Yeakel,
Yester,
Young,
Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1051, as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by establishing additional routes in the City of Jeannette The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the city streets adopted as State highways in the City of Jeannette by the act to which this is a supplement the following sections of city streets in said city are hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement

Commencing at a point on the Jeannette City-Hempfield Township line thence in a northwesterly direction on Agnew Road to an intersection with Lewis Avenue thence in a northeasterly direction on Lewis Avenue to an intersection with Chambers Avenue thence in a westerly direction on Chambers Avenue to an intersection with Cuyler Avenue in the City of Jeannette Westmoreland County a distance of about 0.72 of a mile

Commencing at a point on the Jeannette City-Penn Township line thence in a southwesterly direction on Ferree Avenue to an intersection with Third Street thence continuing in a southwesterly direction on Third Street to an intersection with Harrison Avenue in the City of Jeannette Westmoreland County a distance of about 0.62 of a mile

Commencing at a point on the Jeannette City-Penn Township line thence in a southerly direction on Claridge Road to an intersection with Fourth Street thence in a southwesterly direction on Fourth Street to an intersection with Harrison Avenue in the City of Jeannette Westmoreland County a distance of about 0.45 of a mile

Commencing at a point on the Jeannette City-Hempfield Township line thence in a northeasterly direction on Brown Avenue Extension to an intersection with Harrison

Avenue in the City of Jeannette Westmoreland County a distance of about 0.13 of a mile

Commencing at a point on the Jeannette City-Hempfield Township line thence in a southeasterly direction on Walnut Street to an intersection with Lowry Avenue thence in a northeasterly direction on Lowry Avenue to an intersection with Division Avenue thence in a westerly direction on Division Avenue to an intersection with Fourth Street thence in a northeasterly direction on Fourth Street to an intersection with Chambers Avenue thence in a southeasterly direction on Chambers Avenue to an intersection with Cuyler Avenue thence in an easterly direction on Cuyler Avenue to an intersection with Second Street thence in a northeasterly direction on Second Street to an intersection with Third Street thence in a northeasterly direction on Third Street to an intersection with Harrison Avenue in the City of Jeannette Westmoreland County a distance of about 1.83 miles

Commencing at a point on the Jeannette City-Penn Borough line thence easterly on Penn Avenue to Twelfth Street thence south on Ninth Street to Magee Avenue thence east on Clay Avenue Extension to Ninth Street thence south on Ninth Street to Magee Avenue thence east on Magee Avenue to a point at Magee Avenue and Second Street in the City of Jeannette Westmoreland County a distance of about 1.3 miles

Commencing at a point on the Jeannette City-Penn Borough line where Eleventh Street in the Borough of Penn intersects said line thence in a southerly direction on Eleventh Street Extension to Penn Avenue in the City of Jeannette Westmoreland County a distance of about 0.04 of a mile

Commencing at a point on the Jeannette City-Penn Township line thence in a general southeasterly direction on Harrison Avenue to Route 64234 at the Jeannette City-Penn Township line in the City of Jeannette Westmoreland County a distance of about 1.29 miles

Commencing at a point on the Jeannette City-Hempfield Township line thence in an easterly direction on the Lincoln Highway to the Jeannette City-Hempfield Township line in the City of Jeannette Westmoreland County a distance of about 0.09 of a mile

Commencing at a point on Route 639 at the southeast corner of the City of Jeannette thence in a northeasterly direction through Penn Township to a point on Route 64081 about 0.2 miles north of the northeast corner of the City of Jeannette in Westmoreland County a distance of about 1.1 miles

Commencing at a point the intersection of Lewis Avenue and Route 64048 thence in a general southwesterly direction on Lewis Avenue to the Jeannette City-Hempfield Township line in the City of Jeannette Westmoreland County a distance of about 0.81 of a mile

Commencing at a point the intersection of Park Street and Route 64216 thence in a southeasterly direction to Westmoreland Avenue thence in a general southeasterly direction along Westmoreland Avenue to Pennsylvania Boulevard thence in a general southeasterly direction on Pennsylvania Boulevard to Route 120 in the City of Jeannette Westmoreland County a distance of about 0.7 of a mile

Commencing at a point the intersection of Sellers Avenue and Harrison Avenue Route 639 thence in a general southeasterly direction on Sellers Avenue to Fifth Street thence in a southwesterly direction on Fifth Street to Gaskill Avenue thence southwesterly on Gaskill Avenue to Third Street Route 64216 in the City of Jeannette Westmoreland County a distance of about 0.35 of a mile

Commencing at a point the intersection of Lafferty Street and Harrison Avenue Route 639 thence in a general southwesterly direction on Lafferty Street to Gaskill Avenue thence in a general northwesterly direction on Gaskill Avenue to Second Street Route 64216 in the City of Jeannette Westmoreland County a distance of about 0.63 of a mile

Commencing at a point the intersection of Thomas Avenue and Lafferty Street thence in a southeasterly direction on Thomas Avenue to the Jeannette City-Hemp-

field Township line in the City of Jeannette Westmoreland County a distance of about 0.11 of a mile.

Commencing at a point the intersection of Division Street and Fourth Street Route 64216 thence in southwesterly direction on Division Street to Western Avenue thence in a southerly direction on Western Avenue to the Jeannette City-Hempfield Township line in the City of Jeannette Westmoreland County a distance of about 0.4 of a mile

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gates,	Marks,	Rosenfeld,
Baker,	Gerard,	Maxwell,	Royer,
Balthaser,	Gillan,	McClanaghan,	Rush,
Baugner,	Gillette,	McGlester,	Sarge,
Bentley,	Goodwin,	McDermott,	Sarra,
Boles,	Greenwood,	McDowell,	Scanlon,
Boorse,	Gross,	McFall,	Schwab,
Bower,	Gryskewicz,	McGrath,	Serrill,
Bradley,	Gyger,	McIntosh,	Shaffer,
Breth,	Habbyshaw,	McKinney,	Shaw,
Bretherick,	Haberlen,	McLanahan,	Shepard,
Brown,	Haines,	McLane,	Simons,
Brunner, C. H.,	Hall,	McMillen,	Skale,
Brunner, P. A.,	Hamilton,	McSurdy,	Snyder,
Burns,	Hare,	Melchiorre,	Sollenberger,
Cadwalader,	Harkins,	Mihm,	Sorg,
Chervenak,	Harmuth,	Modell,	Stambaugh,
Chudoff,	Harris,	Monks,	Stank,
Cochran,	Heatherington,	Mooney,	Stine,
Cohen, M. M.,	Helm,	Moran,	Stockham,
Cohen, R. E.,	Hering,	Moul,	Tarr,
Cook,	Herman,	Muir,	Tate,
Cooper,	Hersch,	Munley,	Taylor,
Cordier,	Hewitt,	Nagel,	Thompson, E. F.,
Corrigan,	Hirsch,	Nunemacher,	Thompson, R. L.,
Croop,	Holland,	O'Brien,	Trout,
Cullen,	Huntley,	O'Connor,	Turner,
Dalrymple,	Imbrie,	O'Dare,	Van Allsburg,
Dennison,	James,	O'Mullen,	Verona,
DiGenova,	Jefferson,	O'Neill,	Vincent,
Dix,	Jones, G. E.,	Owens,	Vogt,
Dolon,	Jones, P. N.,	Petrosky,	Voldow,
D'Ortona,	Keenan,	Pettit,	Voorhees,
Duffy,	Kenehan,	Polaski,	Watkins,
Early,	Kline,	Polen,	Weingartner,
Eckels,	Knoble,	Powers,	Wells,
Elder,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Elliott,	Komorowski,	Rank,	Welsh, E. B.,
Elv,	Lee, E. A.,	Rausch,	Williams,
Falkenstein,	Lee, T. H.,	Readinger,	Winner,
Finestone,	Leisey,	Reagan,	Wolf,
Finnerty,	Leonard,	Reese, D. P.,	Wood, L. F.,
Fiss,	Lesko,	Reese, R. E.,	Wood, N.,
Fleming,	Levy,	Regan,	Woodring,
Fletcher,	Leydic,	Reynolds,	Woodside,
Flynn,	Lichtenwalter,	Rhea,	Wright,
Foor,	Longo,	Riley,	Yeakel,
French,	Lovett,	Rooney,	Yester,
Gallagher,	Lyons,	Rose, S.,	Young,
	Malloy,	Rose, W. E.,	Kilroy,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1827, as follows:

An Act making an appropriation out of the Motor License

Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters and for the landscaping thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for the construction and improvement of roads within and approaches to the property owned by the Commonwealth and known as The Ephrata Cloisters located in Ephrata Township Lancaster County Pennsylvania and for the landscaping of such property and the approaches thereto

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarra,
Bentley,	Greenwood,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snvder,
Brunner, P. A.,	Hare,	Mechlorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Burriss,	Harmuth,	Modell,	Stambaugh,
Cadwalader,	Harris,	Monks,	Stank,
Chervenak,	Heatherington,	Mooney,	Stine,
Chudoff,	Helm,	Moran,	Stockham,
Cochran,	Hering,	Moul,	Tarr,
Cohen, M. M	Herman,	Muir,	Tate,
Cohen, R. E.,	Hersch,	Munley,	Taylor,
Cook,	Hewitt,	Nagel,	Thompson, E. F.,
Cooper,	Hirsch,	Nunemacher,	Thompson, R. L.,
Cordier,	Holland,	O'Brien,	Trout,
Corrigan,	Huntley,	O'Connor,	Turner,
Croop,	Imbrie,	O'Dare,	Van Allsburg,
Cullen,	James,	O'Mullen,	Verona,
Dairymple,	Jefferson,	O'Neill,	Vincent,
Dennison,	Jones, G. E.,	Owens,	Vogt,
DiGenova,	Jones, P. N.,	Petrosky,	Voidow,
Dix,	Keenan,	Pettit,	Voorhees,
Dolon,	Kenehan,	Polaski,	Watkins,
D'Ortona,	Kline,	Polen,	Weingartner,
Duffy,	Knoble,	Powers,	Weiss,
Early,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Eckels,	Komorofski,	Rank,	Welsh, M. J.,
Elder,	Lee, E. A.,	Rausch,	Williams,
Elliott,	Lee, T. H.,	Readinger,	Winnor,
Ely,	Leisev,	Reagan,	Wolf,
Falkenstein,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finestone,	Lesko,	Reese, R. E.,	Wood, N.,
Finnerty,	Levy,	Regan,	Woodring,
Fiss,	Leydic,	Reynolds,	Woodside,
Fleming,	Lichtenwalter,	Rhea,	Wright,
Fletcher,	Longo,	Riley,	Yeakel,
Flynn,	Lovett,	Rooney,	Yester,
Foor,	Lyons,	Rose, S.,	Young,
French,	Malloy,	Rose, W. E.,	Killroy
Gallagher,	Marks,	Rosenfeld,	Speaker
Gates,			

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1826, as follows:

An Act to amend part of section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporation to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" changing a certain route in the City of Johnstown

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 A certain route of section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporation to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" which was added by section two of the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 793) is hereby amended to read as follows

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

Beginning at a point on Grant Avenue on the dividing line between the borough of Southmont and the City of Johnstown thence northerly on Grant Avenue to [Haynes] Somerset Street thence easterly on [Haynes] Somerset Street to the intersection of [Haynes] Somerset and Napoleon Streets in the City of Johnstown Cambria County a distance of about 0.40 of a mile

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Consitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott	Sarra,
Bentley,	Greenwood,	McDowell	Scanlon,
Boles,	Gross,	McFall	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tate,
Cohen, R. E.,	Herman,	Muir,	Tate,
Cook,	Hersch,	Munley	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	Van Allsburg,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorofski,	Rank,	Welsh, M. J.,
Elliot,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger	Winner,
Falkenstein,	Lelsey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Flss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foor,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy,
Gates,	Marks,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1483, as follows:

An Act to repeal the act approved the sixteenth day of January one thousand seven hundred and ninety-nine (3 Sm Laws page 338), entitled "An act to declare Frankford Creek a public highway"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the sixteenth day of January one thousand seven hundred and ninety-nine (3 Sm Laws page 338) entitled "An act to declare Frankford Creek a public highway" is hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Consitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
baker,	Gillan,	McClanaghan	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarra,
Bentley,	Greenwood,	McDowell	Scanlon,
Boles,	Gross,	McFall	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tate,
Cohen, R. E.,	Herman,	Muir,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	Van Allsburg,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorofski,	Rank,	Welsh, M. J.,
Elliot,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger	Winner,
Falkenstein,	Lelsey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Flss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foor,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy,
Gates,	Marks,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1832, as follows:

An Act making an emergency appropriation to the Department of Highways for allocation to and distribution among boroughs and townships for the repair of certain roads and streets in Western Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million dollars (\$1,000,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the Department of Highways for allocation to and distribution among distressed boroughs and townships in Western

Pennsylvania for the repair of all borough and township roads and streets damaged by the recent cloud-burst in Western Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott	Sarraf,
Bentley,	Greenwood,	McDowell	Scanlon,
Boles,	Gross,	McFall	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tarr,
Cohen, R. E.,	Herman,	Muir,	Tate,
Cook,	Hersch,	Munley	Taylor,
Cooper,	Hewitt,	Nagel	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Cullen,	Huntley,	O'Connor,	Turner,
Dalrymple,	Imbrie,	O'Dare,	VanAllsburg,
Dennison,	James,	O'Mullen,	Verona,
DiGenova,	Jefferson,	O'Neill,	Vincent,
Dix,	Jones, G. E.,	Owens,	Vogt,
Dolon,	Jones, P. N.,	Petrosky,	Voldow,
D'Ortona,	Keenan,	Pettit,	Voorhees,
Duffy,	Kenehan,	Polaski,	Watkins,
Early,	Kline,	Polen,	Weingartner,
Eckels,	Knoble,	Powers,	Weiss,
Elder,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elliot,	Komorowski,	Rank,	Welsh, M. J.,
Ely,	Lee, E. A.,	Rausch,	Williams,
Falkenstein,	Lee, T. H.,	Readinger,	Winner,
Finestone,	Lelsey,	Reagan,	Wolf,
Finnerty,	Leonard,	Reese, D. P.,	Wood, L. H.,
Fiss,	Lesko,	Reese, R. E.,	Wood, N.,
Fleming,	Levy,	Regan,	Woodring,
Fletcher,	Leydic,	Reynolds,	Woodside,
Flynn,	Lichtenwalter,	Rhea,	Wright,
Foor,	Longo,	Riley,	Yeakel,
French,	Lovett,	Rooney,	Yester,
Gallagher,	Lyons,	Rose, S.,	Young,
Gates,	Malloy,	Rose, W. E.,	Kilroy,
	Marks,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate or concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1721, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire a certain tract of land for the use of Pennsylvania Industrial School and making an appropriation therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies

with the approval of the Governor and the Department of Welfare is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania a certain tract or tracts of land of approximately one acre known as the "Hivner property" including a residence and several small out-buildings situated in Lower Allen Township Cumberland County Pennsylvania and entirely surrounded by land administered in connection with the New Pennsylvania Industrial School so as to avoid the private ownership of land so situated and make possible the use of said lands with the buildings thereon for said school

Section 2 Said tract of land when purchased shall be added to the lands of the New Pennsylvania Industrial School The deeds of conveyance shall be deposited with the Secretary of Internal Affairs

Said lands shall not be acquired until the titles thereto have been approved by the Department of Justice

Section 3 The sum of four thousand dollars (\$4,000) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of land and the expenses incidental thereto including title searches

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan	Rush,
Balthaser,	Gillette,	McClester	Sarge,
Baughner,	Goodwin,	McDermott	Sarraf,
Bentley,	Greenwood,	McDowell	Scanlon,
Boles,	Gross,	McFall	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tarr,
Cohen, R. E.,	Herman,	Muir,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	VanAllsburg,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Welsh, M. J.,
Elliot,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Lelsey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foor,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy,
Gates,	Marks,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1704, as follows:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Public Instruction with the approval of the Board of Trustees of Indiana State Teachers' College is hereby authorized to enter into a contract with the Borough of Indiana Indiana County for the erection and construction of a sewage disposal plant and for the connection therewith and use thereof by the Indiana State Teachers' College and for the future payment by the Commonwealth of a proportionate part of the cost of maintenance of such sewage disposal plant

Section 2 The sum of twenty-one thousand dollars (\$21,000) or so much thereof as shall be necessary is hereby appropriated to the Department of Public Instruction for the payment of the Commonwealth's share of the cost of the erection and construction of such sewage disposal plant and the necessary sewer lines and connections to connect with the same

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Consitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Marks,	Rosenfeld,
Baker,	Gillan,	Maxwell,	Royer,
Balthaser,	Gillette,	McClanaghan	Rush,
Baughner,	Goodwin,	McClester	Sarge,
Bentley,	Greenwood,	McDermott	Sarraf,
Boles,	Gross,	McDowell	Scanlon,
Boorse,	Gryskewicz,	McFall	Schwab,
Bower,	Gyger,	McGrath	Serrill,
Bradley,	Habbyshaw,	McIntosh	Shaffer,
Breth,	Haberlen,	McKinney	Shaw,
Bretherick,	Haines,	McLanahan	Shepard,
Brown,	Hall,	McLane,	Simons,
Brunner, C. H.,	Hamilton,	McMillen,	Skale,
Brunner, P. A.,	Hare,	McSurdy,	Snyder,
Burns,	Harkins,	Melchiorre,	Sollenberger,
Burriss,	Harmuth,	Mihm,	Sorg,
Cadwalader,	Harris,	Modell,	Stambaugh,
Chervenak,	Heatherington,	Monks,	Stank,
Chudoff,	Helm,	Mooney,	Stine,
Cochran,	Hering,	Moran,	Stockham,
Cohen, M. M.,	Herman,	Moul,	Tarr,
Cohen, R. E.,	Hersch,	Muir,	Tate,
Cook,	Hewitt,	Munley,	Taylor,
Cooper,	Hirsch,	Nagel,	Thompson, E. F.,
Cordier,	Holland,	Nunemacher,	Thompson, R. L.,
Corrigan,	Huntley,	O'Brien,	Trout,
Croop,	Imbrie,	O'Connor,	Turner,
Cullen,	James,	O'Dare,	VanAllsburg,
Dalrymple,	Jefferson,	O'Mullen,	Verona,
Dennison,	Jones, G. E.,	O'Neill,	Vincent,
DiGenova,	Jones, P. N.,	Owens,	Vogt,
Dix,	Keenan,	Petrosky,	Voldow,
Dolan,	Kenehan,	Pettit,	Voorhees,

D'Ortona,	Kline,	Polaski,	Watkins,
Duffy,	Knoble,	Polen,	Weingartner,
Eckels,	Kolankiewicz,	Powers,	Wells,
Elder,	Komorowski,	Prosen,	Welsh, E. B.,
Elliott,	Lee, E. A.,	Rank,	Welsh, M. J.,
Ely,	Lee, T. H.,	Rausch,	Williams,
Falkenstein,	Leisey,	Readinger,	Winner,
Finestone,	Leonard,	Reagan,	Wolf,
Finnerty,	Lesko,	Reese, D. P.,	Wood, L. H.,
Fiss,	Levy,	Reese, R. E.,	Wood, N.,
Fleming,	Leydic,	Regan,	Woodring,
Fletcher,	Lichtenwalter,	Reynolds,	Woodside,
Flynn,	Longo,	Rhea,	Wright,
For,	Lovett,	Riley,	Yeakel,
French,	Lyons,	Rooney,	Yester,
Gallagher,	Malloy,	Rose, S.,	Young,
Gates,		Rose, W. E.,	Kilroy,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1837, as follows:

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicles and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protector or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings

prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (6) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" as amended by the act approved the fifteenth day of June one thousand nine hundred thirty-nine (P. L. 390) and the act approved the twenty-first day of June one thousand nine hundred thirty-nine (P. L. 636) and clause (7) of said section as amended by the act approved the fifteenth day of June one thousand nine hundred thirty-nine (P. L. 387) are hereby further amended to read as follows:

Section 2 Definitions The following words terms and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise

(6) "Common Carrier by Motor Vehicle" means any common carrier who or which holds out or undertakes the transportation of passengers or property or both or any class of passengers or property between points within this

Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes any motor vehicle with or without driver for transportation or for use in transportation of persons or property as aforesaid and shall include common carriers by rail water or air and express or forwarding public utilities in so far as such common carriers or such public utilities are engaged in such motor vehicle operations but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any person or corporation who or which provides or furnishes transportation of school children exclusively or (c) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of ashes rubbish [excavated] and road construction materials [(b)] or (d) transportation of property by the owner to himself or to purchasers directly from him in vehicles owned and operated by the owner of such property and not otherwise used in transportation of property for compensation for others

(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes with or without drivers any motor vehicle for such transportation or for use in such transportation other than as a common carrier by motor vehicle but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any bona fide agricultural cooperative association transporting property exclusively for the members of such association on a nonprofit basis or any independent contractor hauling exclusively for such association or (c) any owner or operator of a farm transporting agricultural products from or farm supplies to such farm or any independent contractor hauling agricultural products or farm supplies exclusively for one or more owners or operators of farms (d) any person or corporation who or which provides or furnishes transportation of school children exclusively or (e) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of ashes rubbish [excavated] or road construction materials

Section 2 Section nine hundred eight of said act is hereby amended to read as follows:

Section 908 Inspection of and Access to Facilities and Records of Public Utilities The commission shall have full power and authority either by or through its members or duly authorized representatives whenever it shall deem it necessary or proper in carrying out any of the provisions of this act or its duties under this act to enter upon the premises buildings machinery system plant and equipment and make any inspection valuation physical examination inquiry or investigation of any and all plant and equipment facilities property and pertinent records books papers memoranda documents or effects whatsoever of any public utility or any other person or corporation subject to this act and to hold any hearing for such purposes In the performance of such duties the commission may have access to and use any books records or documents in the possession of any department board or commission of the Commonwealth or any political subdivision thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan	Sarge,
Balthaser,	Gillette,	McClester,	Sarraf,
Baughner,	Goodwin,	McDermott,	Scanlon,
Bentley,	Greenwood,	McDowell,	Schwab,
Boies,	Gross,	McFall,	Serrill,
Boorse,	Gryskewicz,	McGrath,	Shaffer,
Bower,	Gyger,	McIntosh,	Shaw,
Bradley,	Habbyshaw,	McKinney,	Shepard,
Breth,	Haberlen,	McLanahan,	Simons,
Bretherick,	Haines,	McLane,	Skale,
Brown,	Hall,	McMillen,	Snyder,
Brunner, C. H.,	Hamilton,	McSurdy,	Sollenberger,
Brunner, P. A.,	Hare,	Melchiorre,	Sorg,
Burns,	Harkins,	Mihm,	Stambaugh,
Cadwalader,	Harmuth,	Modell,	Stank,
Chervenak,	Harris,	Monks,	Stine,
Chudoff,	Heatherington,	Mooney,	Stockham,
Cochran,	Helm,	Moran,	Tarr,
Cohen, M. M.,	Hering,	Moul,	Tate,
Cohen, R. E.,	Herman,	Muir,	Taylor,
Cook,	Hersch,	Munley,	Thompson, E. F.,
Cooper,	Hewitt,	Nagel,	Thompson, R. L.,
Cordier,	Hirsch,	Numemacher,	Trout,
Corrigan,	Holland,	O'Brien,	Turner,
Croop,	Huntley,	O'Connor,	VanAllsburg,
Cullen,	Imbrie,	O'Dare,	Verona,
Dalrymple,	James,	O'Mullen,	Vincent,
Dennison,	Jefferson,	O'Neill,	Vogt,
DiGenova,	Jones, G. E.,	Owens,	Voldow,
Dix,	Jones, P. N.,	Petrosky,	Voorhees,
Dolon,	Keenan,	Pettit,	Watkins,
D'Ortona,	Kenehan,	Polaski,	Weingartner,
Duffy,	Kline,	Polen,	Weiss,
Early,	Knoble,	Powers,	Weish, E. B.,
Eckels,	Kolankiewicz,	Prosen,	Weish, M. J.,
Elder,	Komorowski,	Rank,	Williams,
Elliot,	Lee, E. A.,	Rausch,	Winner,
Ely,	Lee, T. H.,	Readinger,	Wolf,
Falkenstein,	Leisey,	Reagan,	Wood, L. H.,
Finestone,	Leonard,	Reese, D. P.,	Wood, N.,
Finnerty,	Lesko,	Reese, R. E.,	Woodring,
Fiss,	Levy,	Regan,	Woodside,
Fleming,	Leydic,	Reynolds,	Wright,
Fletcher,	Lichtenwalter,	Rhea,	Yeakel,
Flynn,	Longo,	Riley,	Yester,
Foor,	Lovett,	Rooney,	Young,
French,	Lyons,	Rose, S.,	Kilroy,
Gallagher,	Malloy,	Rose, W. E.,	Speaker.
Gates,	Marks,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1585, as follows:

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act

Whereas during the years of the economic depression many corporations and individuals became insolvent or unable to pay their debts as they matured and are now or may hereafter be in the process of reorganization or rearrangement proceedings under the National Bankruptcy Act and

Whereas the National Bankruptcy Act has made provision for the fair and equitable administration and readjustment of the affairs of such corporations and individuals under the jurisdiction of the United States courts and with due consideration to the relative rights and priorities of claims and obligations of all classes including municipal claims and taxes against such corporations or individuals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Definitions Hereafter in this act the following words shall be understood to have the meanings herein set forth unless a contrary or different meaning be clearly indicated by the context

(a) "Claims" shall mean municipal claims and liens tax claims and liens and penalties interest and costs due thereon

(b) "Corporation" shall mean all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnerships and shall include partnership associations organized under laws making the capital subscribed alone responsible for the debts of the associations joint stock companies unincorporated companies and associations and any business conducted by a trustee or trustees wherein beneficial interest or ownership is evidenced by certificate or other written instrument

Section 2. Corporate Reorganizations Whenever after a hearing duly held thereon a plan of reorganization of any corporation has been or shall hereafter be found to be fair and equitable and feasible and be approved by the decree or order of any court of competent jurisdiction pursuant to the provisions of Chapter X of the Act of the Congress of the United States approved the first day of July one thousand eight hundred ninety-eight entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" and the amendments and supplements thereto or of any similar Act of Congress and when plan of reorganization fixes a sum to be paid for the discharge and satisfaction of all claims of any political subdivision against such corporation or its property which sum may be less than the total amount of such claims but shall be determined by such court to be not less than the net amount which could be realized at a tax sale of the real property against which such taxes may be or might become a lien or by enforced collection against such corporation then and in such event the tax levying body of any political subdivision shall have power to file its written acceptance of said plan of reorganization accompanied by a copy of the ordinance or resolution authorizing the acceptance of such plan in the court having jurisdiction of the proceedings for the reorganization of such corporation and to accept in full satisfaction and discharge of such claims as may constitute liens against the property of such corporation the amount so fixed by the court in said plan or reorganization Such satisfaction and discharge shall not constitute a satisfaction and discharge of any liability of any person other than such corporation with respect to such claims Upon the payment over to the political subdivision of the amount so fixed the tax levying body of such political subdivision shall cause satisfaction to be entered on the proper record for such claims

Section 3 Arrangement Proceedings by Persons Other Than Corporations Whenever any arrangement respecting a person other than a corporation has been or shall hereafter be proposed pursuant to the provisions of Chapter XII of the Act of the Congress of the United States approved the first day of July one thousand eight hundred ninety-eight entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" and the amendments and supplements thereto or of any similar Act of Congress which arrangement fixes a sum to be paid for the discharge and satisfaction of all claims due by such person to any political subdivision which sum may be less than the total amount of such claims but shall be not less than the net amount which could be realized at a tax sale of the real property against which such taxes may be or might become a lien or by enforced collection against such person then and in such event the tax levying body of any political subdivision shall have power to file its written acceptance of said arrangement accompanied by a copy of the ordinance or resolution authorizing the acceptance of such arrangement in the court having jurisdiction of the proceeding for such arrangement and upon confirmation by such

court of such arrangement shall accept in full satisfaction for such claims the amount so fixed in said arrangement. Upon payment over to the political subdivision of the amount so fixed the tax levying body of such political subdivision shall cause satisfaction to be entered on the proper record for such claims.

Section 4. Effective Date This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarraf,
Bentley,	Greenwood,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tarr,
Cohen, R. E.,	Herman,	Mulr,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	Van Allsburg,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Poien,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. E.,
Elder,	Komorowski,	Rank,	Welsh, M. J.,
Elliott,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Lelsey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
For,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy,
Gates,	Marks,	Rosenfeld,	Speaker,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 1770, as follows:

An Act to amend the title and to further amend section forty-three of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493),

entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" by permitting the use of enclosed woodwork about sinks in all except tenement-houses and lodging-houses in cities of the second class second class A and third class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. The title of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" is hereby amended to read as follows

An Act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class second class A and third class and imposing fines penalties and forfeiture for violation thereof

Section 2. Section forty-three of said act as extended to cities of the third class by the act approved the fourteenth day of May one thousand nine hundred and nine (P. L. 840) and as extended to cities of the second class A by the act approved the fifteenth day of June one thousand nine hundred and thirty-nine (P. L. 371) and as last amended by the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 168) is hereby further amended to read as follows

Section 43 The closet and all other fixtures except sinks must be set open and free from all enclosing woodwork. In tenement-houses and lodging-houses sinks must be entirely open set on iron legs or brackets without any enclosing woodwork. Iron enameled water-proof cabinets are permissible under [sinks and] all lavatories and under sinks in tenement-houses and lodging-houses

Any fixture removed from service either to be discarded or replaced with new by any owner must have the inspected approval of the inspection department of plumbing under whose jurisdiction it is/was at time of removal before it can be reinstalled. If after inspection it is found to conform with proper standard so as not to create a potential hazard to public or private health it may be labeled numbered and certificate issued for its reinstallation with no other limitations reserved. No used plumbing fixture intended for sanitary purposes or any that may be connected to the domestic water system of any dwelling or building can be installed without the inspection approval of the department of plumbing or board or bureau of health

Section 3. The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarraf,

Bentley,	Greenwood,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Featherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tarr,
Cohen, R. E.,	Herman,	Muir,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	VanAlsbury,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kiline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Welsh, M. J.,
Elliott,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Leisey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foor,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy,
Gates,	Marks,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1466, as follows:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the procedure for and regulating voting in elections by persons in actual military service conferring powers and imposing duties upon the Secretary of the Commonwealth courts county boards of elections and county commissioners providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one hundred two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections including general municipal special and pri-

mary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 102 Definitions The following words when used in this act shall have the following meanings unless otherwise clearly apparent from the context

(a) The word "candidate" shall unless the context otherwise requires include both candidates for nomination and election.

(b) The word "county" shall mean any county of this Commonwealth

(c) The words "county board" or "board" shall mean the county board of elections of any county herein provided for

(d) The words "district election board" or "election board" shall mean the election officers required to conduct primaries and elections in any election district in accordance with the provisions of this act

(e) The words "district register" shall mean the cards containing all or any part of the registry list of qualified electors of the same election district as prepared by the registration commissions

(f) The word "election" shall mean any general municipal special or primary election unless otherwise specified

(g) The words "election district" shall mean a district division or precinct established in accordance with the provisions of this act within which all qualified electors vote at one polling place

(h) The words "general election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(i) The words "independent nomination" shall mean the selection by an independent political body in accordance with the provisions of this act of a candidate for a public office authorized to be voted for at an election

(j) The words "municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(k) The word "nomination" shall mean the selection in accordance with the provisions of this act of a candidate for a public office authorized to be voted for at an election

(l) The words "November election" shall mean either the general or municipal election or both according to the context

(m) The word "oath" shall include affirmation and the word "swear" shall include affirm

(n) The word "party" shall mean a political party as defined in section 801 of this act

(o) The words "party nomination" shall mean the selection by a political party in accordance with the provisions of this act of a candidate for a public office authorized to be voted for at an election

(p) The words "political body" shall mean an independent body of electors as defined in section 801 of this act

(q) The words "polling place" shall mean the room provided in each election district for voting at a primary or election

(r) The words "primary" or "primary election" shall mean any election held for the purpose of electing party officers and nominating candidates for public offices to be voted for at an election

(s) The words "public office" shall include every public office to which persons can be elected by a vote of the electors under the laws of this State

(t) The words "qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(u) The words "registered and enrolled member of a political party" shall mean any qualified elector who shall

be registered according to political designation in accordance with the provisions of the registration acts

(v) The words "special election" shall mean any election other than a regular general municipal or primary election

(w) "Electors in actual military service" shall mean qualified electors of this Commonwealth who are or may be by enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof or in the military service of the Commonwealth

Section 2 Section three hundred and five of said act is hereby amended to read as follows

Section 305 Expenses of County Boards and of Primaries and Elections to Be Paid by County Expenses of Special Elections Boards to Be Provided with Offices

(a) The county commissioners or other appropriating authorities of the County shall appropriate annually and from time to time to the county board of elections of such county the funds that shall be necessary for the maintenance and operation of the board and for the conduct of primaries and elections in such county including the payment of the compensation of the employees of the board custodians election officers and other assistants and employees herein provided for and the fees of witnesses as herein provided for the purchase or printing under contracts made by the board of all ballots and other primary and election supplies required by this act or which the board shall consider necessary to carry out the provisions of this act for the purchase under contracts made by the board and maintenance of voting machines when adopted as herein provided and of all other primary and election equipment required by this act or which the board shall consider necessary to carry out the provisions of this act for the publication of notices authorized by this act under contracts made by the board and for all other necessary expenses hereunder Provided however That bonds or other evidences of indebtedness payable not later than ten years from their dates of issuance may be issued by the county commissioners or other appropriating authorities of the county in accordance with the provisions of law relating to the increase of indebtedness of such county to meet all or any part of the cost of voting machines

1 The county shall be liable for the expenses of holding special elections for any city borough township school district or other municipality or incorporated district contained therein which is held on the day of any general municipal or primary election and on any special question which is required by law to be or which is at the discretion of the county board as hereinafter provided printed on the regular ballot after the list of the candidates or on the same voting machine as the list of candidates

2 Any city borough township school district or other municipality or incorporated district contained in any county holding a special election as authorized by law on the question of increase of indebtedness or any other question to be voted on by the electors of such subdivision which special election is held on the day of any general municipal or primary election and which is required by law to be conducted or at the discretion of the county board as hereinafter provided is conducted by special ballots for such question shall be liable to the county for the expenses necessarily incurred in the printing of such special ballots

3 If any other day than the day of any general municipal or primary election be fixed by the corporate authorities of any municipality school district or incorporated district for the holding of a special election on the question of increase of indebtedness or any other question authorized by law such municipality school district or incorporated district shall be liable for and pay the entire expense of holding such election including the cost of printing ballots and supplies pay of election officers the rental of polling places and the cost of canvassing and computing the votes cast

(b) The county commissioners or other appropriating authorities of the county shall provide the county board with suitable and adequate offices at the county seat properly furnished for keeping its records holding its

public sittings and otherwise performing its public duties and shall also provide such branch offices for the board in cities other than the county seat as may be necessary

(c) The Commonwealth shall reimburse each county for election expenses incurred at every election for the preparation handling and mailing of ballots for electors in actual military service in the sum of twenty-five cents for each ballot mailed to an elector in actual military service in such manner as is now or may hereafter be provided by law

Each county board of elections shall file in the Department of State not later than thirty days after every election on a form prescribed by the Department of State a statement of the number of ballots mailed in such manner as is now or may hereafter be provided by law to electors in actual military service upon the written application of each such elector Such applications shall be preserved by each county board of elections until reimbursement is made as herein provided subject to inspection or production in the Department of State if demanded by the Department of State

The Department of State shall ascertain and fix the amount due as herein provided to each county for election expenses incurred for the preparation handling and mailing of ballots to electors in actual military service and by requisition in the usual course shall provide for payment of such amounts so found due from moneys appropriated to the Department of State for such purpose or shall prorate the moneys so appropriated among the several counties to be reimbursed if the amount so appropriated shall not be sufficient for the payment in full to each county of the amount found to be due

Section 3 Article thirteen of said act is hereby repealed absolutely

Section 4 Said act is hereby amended by adding thereto a new article thirteen to read as follows

Article XIII

Voting By Persons In Actual Military Service

Section 1301 Qualified Electors in Actual Military Service Whenever any of the qualified electors of this Commonwealth shall be in any actual military service under a requisition from the President of the United States or by the authority of this Commonwealth and as such absent from their place of residence on the days appointed by law for holding any election within this State or on the days for holding special elections to fill vacancies such electors shall be entitled at such times to exercise the right of suffrage as fully as if they were present at their usual places of election in the manner prescribed in this article and whether at the time of voting such electors shall be within the limits of this State or not

Section 1302 Ballots Ballots for use by electors in actual military service under the provisions of this article shall be prepared sufficiently in advance by the county boards of election and shall be by such boards distributed as hereinafter provided to the electors in actual military service entitled to vote at any election Such ballots shall be in substantially the form prescribed by article ten of this act for ballots to be used at the same elections within this Commonwealth but in cases where there is not time in the opinion of the county boards of elections to print on said ballots the names of the various candidates for district county and local offices the ballots shall contain blank spaces only under the titles of such offices in which the voters may insert the names of the candidates for whom they desire to vote and in such cases the county boards of elections shall furnish to the elector in actual military service a sufficient number of printed lists containing the names of all the candidates who have been regularly nominated under the provisions of this act for the use of the elector in preparing his ballot

Section 1303 Duties of County Boards In the case of any election at which votes are cast by electors in actual military service under the provisions of this article

it shall be the duty of each county board of elections to withhold the completion of the computation of the returns of the county until the second Friday after such election within which period all votes cast by electors of the county in actual military service as provided in this article shall be added to and included in its computation of the returns of such election but not afterwards

Section 1304 Manner of Voting by Electors in Actual Military Service Electors mentioned in section one thousand three hundred and one shall have the right to apply not less than thirty (30) days and not more than fifty (50) days before any election for a "military ballot" The application shall be in writing signed by the applicant in his own hand and addressed to the county board of elections of the county wherein the applicant is registered to vote and shall state the county and the city borough or township and the precise ward or election district in or the street and number at which the applicant is registered to vote If the application is for a ballot for a primary election it shall also state the political party in which the applicant is enrolled

Section 1305 Ballots and Envelopes for Electors in Actual Military Service The County boards of elections shall prepare and upon request deliver to the said electors in actual military service a ballot by registered mail in an envelope addressed to each such elector at the address furnished by the elector in his application for a military ballot Such ballots shall be prepared and printed in the same form as the ballots provided for by section one thousand three hundred and two of this act but shall have in addition printed stamped or endorsed thereon the words "Military Ballot" The county boards of elections shall also provide and deliver as aforesaid three envelopes for each military ballot of such size and shape that will permit the placing of one within the other On the first shall be printed stamped or endorsed only the words "Military Ballot" On the second shall be printed the affidavit of the elector together with the jurat of the officer in whose presence the ballot is marked and before whom the affidavit is made such affidavit and jurat to be in form prescribed by the Secretary of the Commonwealth On the third shall be placed the name and address of the county board of elections of the proper county All military ballots and envelopes shall be mailed at least fifteen (15) days before the election involved to the electors requesting them

Each county board of elections shall print and post the name present location the local voting district or in a conspicuous public place at its office a list setting ward of every elector to whom a military ballot has been sent This list shall be posted at least ten (10) days before the primary or election involved and shall also set forth the total number of military ballots prepared by the county board of elections Copies of such list shall be furnished upon request to the county chairman of each political party and political body

Section 1306 Voting by Electors in Actual Military Service Any such elector may make application prior to the day of any election to the county boards of elections for a "Military Ballot" At any time after receiving such military ballot but on or before the day of the election such elector in actual military service may appear before any commissioned officer of the military or naval forces either within or without the Commonwealth or before any officer of this or any other state or territory of the United States authorized to administer oaths and mark such ballot under the scrutiny of such officer in the following manner The voter shall first display the ballot to such officer as evidence that the same is unmarked and shall then proceed to mark the ballot in the presence of such officer but in such manner that such officer is unable to see how the same is marked and then fold the ballot enclose and securely seal the same in the envelope on which is printed stamped or endorsed "Military Ballot" This envelope shall then be placed in the one on which is printed the affidavit of the elector and the jurat of the officer before whom the elector

appears and such envelope sealed in like manner by the elector The elector shall then make out subscribe and swear to the affidavit printed on the face of such envelope and the jurat shall be subscribed by the officer before whom the affidavit was taken Such ballot and envelope shall then be securely sealed in the third envelope which the elector shall send by mail to the county board of elections of the proper county with postage prepaid

Section 1307 Receipt and Counting of Military Ballots The county board of elections upon receipt of such third envelope shall safely keep the same in their office until they meet to canvass the vote of such election under the provisions of this act

At such time the members of the county board of elections may in person dispose of military ballots in the manner hereinafter set forth or they may designate a sufficient number of clerks to perform such duties When it is determined that clerks shall be appointed the total number shall in every case be in multiples of three each member of the county board of elections shall appoint an equal number thereof

Watchers appointed in the manner prescribed by and subject to the restrictions imposed by section four hundred and seventeen of this act insofar as applicable shall be permitted to be present whenever any of the envelopes containing military ballots are opened and whenever any such ballots are counted and recorded

In disposing of military ballots the county board of elections or the clerks designated as aforesaid shall first examine the third envelope and set aside unopened all such envelopes which bear a post mark later than the date of the particular election day involved The envelopes thus set aside shall be retained for a period of one year and then destroyed unopened

They shall then open the third envelopes not thus set aside and after examining the affidavit and jurat shall compare the signature of such absent voter with his signature upon any register or other record in their possession If the county board is satisfied that the signatures correspond that the affidavit and jurat are sufficient and that the voter has been duly registered as provided by law they shall announce the name of the elector and shall give any person present an opportunity to challenge the same in like manner and for the same causes as such elector could have been challenged had he presented himself in his own district to cast his vote If there are no challenges they shall open the second envelope in such manner as not to destroy the affidavit and jurat printed thereon which envelope shall be kept in their office for a period of one year thereafter All envelopes on which are printed stamped or endorsed the words "Military Ballot" and containing the ballots shall be put into one depository at one time and said depository well shaken and the envelopes containing the ballots mixed before any ballot is taken therefrom The county board shall then break the seals of such envelopes and record the said ballots in the same manner as district election officers are required to record votes under the provisions of this act In like manner all military ballots received prior to completion of the computation of the returns of the county shall be counted and recorded and upon completion of the computation of the returns of the county the votes cast upon the military ballots shall then be added to the votes cast within the county city borough incorporated town township ward or election district as designated on each ballot Military ballots shall be safely kept by the county board of elections for a period of one year

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan	Rush,
Balthaser,	Gillette,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarraf,
Bentley,	Greenwood,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Breth,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Burris,	Harmuth,	Modell,	Stambaugh,
Cadwalader,	Harris,	Monks,	Stine,
Chervenak,	Heatherington,	Mooney,	Stockham,
Chudoff,	Helm,	Moran,	Tarr,
Cochran,	Hering,	Moul,	Tate,
Cohen, M. M.,	Herman,	Muir,	Taylor,
Cohen, R. E.,	Hersch,	Munley,	Thompson, E. F.,
Cook,	Hewitt,	Nagel,	Thompson, R. L.,
Cooper,	Hirsch,	Nunemacher,	Trout,
Cordier,	Holland,	O'Brien,	Turner,
Corrigan,	Huntley,	O'Connor,	VanAllsburg,
Croop,	Imbrie,	O'Dare,	Verona,
Cullen,	James,	O'Mullen,	Vincent,
Dalrymple,	Jefferson,	O'Neill,	Vogt,
Dennison,	Jones, G. E.,	Owens,	Voldow,
DiGenova,	Jones, P. N.,	Petrosky,	Voorhees,
Dix,	Keenan,	Pettit,	Watkins,
Dolon,	Kenehan,	Polaski,	Weingartner,
D'Ortona,	Kline,	Polen,	Weiss,
Duffy,	Knoble,	Powers,	Welsh, E. B.,
Early,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Eckels,	Komorowski,	Rank,	Williams,
Elder,	Lee, E. A.,	Rausch,	Winner,
Elliott,	Lee, T. H.,	Readinger,	Wolf,
Ely,	Lelsey,	Reagan,	Wood, L. F.
Falkenstein,	Leonard,	Reese, D. P.,	Wood, N.,
Finestone,	Lesko,	Reese, R. E.,	Woodring,
Finnerty,	Levy,	Regan,	Woodside,
Fiss,	Leydic,	Reynolds,	Wright,
Fleming,	Lichtenwalter,	Rhea,	Yeakel,
Fletcher,	Longo,	Riley,	Yester,
Flynn,	Lovett,	Rooney,	Young,
Foor,	Lyons,	Rose, S.,	Kilroy,
French,	Malloy,	Rose, W. E.,	
Gallagher,	Marks,	Rosenfeld,	
Gates,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1467, as follows:

An Act to amend the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1132), entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commission county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as

amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1132), entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended by adding thereto a new subsection (u) to read as follows

(u) "Persons in military service" shall mean qualified electors of this Commonwealth who are or may be by enlistment enrollment or draft in actual military or naval service of the United States or any branch or unit thereof or in the military service of the Commonwealth

Section 2 Subsection (a) of section eighteen of the said act is hereby amended to read as follows

Section 18 Registration Cards Preparation and Distribution

(a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section nineteen and nineteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section nineteen and one-tenth as the case may be

Registration Affidavit

State of Pennsylvania } ss:
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this
..... day of 19... ..
Signature of Voter

.....
Signature of Registrar

Section 3 The said act is amended by adding after section nineteen a new section nineteen and one-tenth to read as follows

Section 19.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for a registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following information (1) the surname of the applicant (2) His Christian name or names (3) His occupation if any on the date of entering military service (4) The street or road and number if any of his residence on the date of entering military service (5) If his residence was a por-

tion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels (14) Whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of registration as hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or of any state or territory thereof and dated by such superior officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each such ward and district and the other data required to be given upon such removal (21) The data of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the election officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit in which I am commissioned or enrolled is with the rank of now located at that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

.....
Signature of applicant for registration

Sworn to and subscribed before me this
..... day of 19...

.....
Signature of superior officer or judge of
any court of record of the United States
or any state or territory thereof and a
statement of official position

(d) Upon written application by any person in military service to the registration commission having jurisdiction in the city in which the applicant resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such

application Such person shall thereupon supply the information required on the registration card in duplicate and shall take the affidavit thereto in duplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured

(e) Registration in this manner by persons in military service may be made at any time Provided however That if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service Provided however That if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have been entitled to be registered but by continued residence would have become so entitled he shall be entitled to be registered at such time as he would have been so entitled had he not entered military service and had continued to reside where he then resided

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registrations are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence on the date of entering military service The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card If the commission finds the registration card not properly completed it shall reject it in the manner hereinafter provided

Section 4 Section twenty-three of the said act is hereby amended to read as follows

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected Provided however That if the registration card was received by mail from a person in military service notice of rejection shall be by mail All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 5 Section thirty-one of the said act is hereby amended to read as follows

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground

for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector Provided however That the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing upon the district register if such person did reside at such address on the date of entering military service

Section 6 Section thirty-seven of the said act is hereby amended by adding thereto a new subsection (h) to read as follows

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act Persons in military service and by reason thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of this section insofar as they relate to the manner of voting

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,
Baker,
Balthaser,
Baughner,
Bentley,
Boles,
Boorse,
Bower,
Bradley,
Breth,
Bretherick,
Brown,
Brunner, C. H.,
Brunner, P. A.,
Burns,
Cadwalader,
Chervenak,
Chudoff,
Cochran,
Cohen, M. M.,
Cohen, R. E.,
Cook,
Cooper,
Cordier,
Corrigan,
Croop,

Gerard,
Gillan,
Gillette,
Goodwin,
Greenwood,
Gross,
Gryskewicz,
Gyger,
Habbyshaw,
Haberlen,
Haines,
Hall,
Hamilton,
Hare,
Harkins,
Harmuth,
Harris,
Heatherington,
Helm,
Hering,
Herman,
Hersch,
Hewitt,
Hirsch,
Holland,
Huntley,

Marks,
Maxwell,
McClanaghan,
McClester,
McDermott,
McDowell,
McFall,
McGrath,
McIntosh,
McKinney,
McLanahan,
McLane,
McMillen,
McSurdy,
Melchiorre,
Mihm,
Modell,
Monks,
Mooney,
Moran,
Moul,
Muir,
Munley,
Nagel,
Nunemacher,
O'Brien,

Rosenfeld,
Royer,
Rush,
Sarge,
Sarraf,
Scanlon,
Schwab,
Serrill,
Schwab,
Shaw,
Shepard,
Simons,
Skale,
Snyder,
Sollenberger,
Sorg,
Stambaugh,
Stank,
Stine,
Stockham,
Tarr,
Tate,
Taylor,
Thompson, E. F.,
Thompson, R. L.,
Trout,

Cullen,
Dalrymple,
Dennison,
DiGenova,
Dix,
Dolon,
D'Ortona,
Duffy,
Early,
Eckels,
Elder,
Elliott,
Ely,
Falkenstein,
Finestone,
Finnerty,
Fiss,
Fleming,
Fletcher,
Flynn,
Floor,
French,
Gallagher,
Gates,

Imbrie,
James,
Jefferson,
Jones, G. E.,
Jones, P. N.,
Keenan,
Kenehan,
Kilne,
Knoble,
Kolankiewicz,
Komorowski,
Lee, E. A.,
Lee, T. H.,
Lelsey,
Leonard,
Lesko,
Levy,
Leydlc,
Lichtenwalter,
Longo,
Lovett,
Lyons,
Malloy,

O'Connor,
O'Dare,
O'Mullen,
O'Neill,
Owens,
Petrosky,
Pettit,
Polaski,
Polen,
Powers,
Prosen,
Rank,
Rausch,
Readinger,
Reagan,
Reese, D. P.,
Reese, R. E.,
Regan,
Reynolds,
Rhea,
Riley,
Rooney,
Rose, S.,
Rose, W. E.,

Turner,
VanAllsburg,
Verona,
Vincen,
Vogt,
Voldow,
Voorhees,
Watkins,
Weingartner,
Weiss,
Welsh, E. B.,
Welsh, M. J.,
Williams,
Winner,
Wolf,
Wood, L. H.,
Wood, N.,
Woodring,
Woodside,
Wright,
Yeakel,
Yester,
Young,
Kilroy,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. House Bill No. 1468, Printer's No. 1000 and House Bill No. 1469, on page 38 of today's calendar, bills on third reading, are not on file and will be passed over.

HOUSE RESOLUTION No. 99

Mr. EARLY. Mr. Speaker, I desire to call up House Resolution No. 99, Printer's No. 967.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 29, 1941.

The State highway, known as U. S. Traffic Route No. 22, from Harrisburg to Easton is used as one of the main arteries of travel between the eastern and western ends of the Commonwealth. It has, ever since its improvement a few years ago, taken a ceaseless stream of traffic during every hour of each period of twenty-four hours.

Since the establishment of the Federal cantonment at Indiantown Gap, one mile north of this highway, it has become of tremendous military importance, for the movement of troops and munitions.

The present improved two lane roadway of Route 22 has for some time been wholly inadequate, and is becoming increasingly more so. A three or four lane highway over this route has become an imperative necessity; therefore, be it

Resolved, That the House of Representatives hereby urges upon the Governor and the Department of Highways the pressing need for the immediate construction of one or two additional lanes on U. S. Highway Route No. 22, between the cities of Harrisburg and Easton, and for the relocation of the roadway wherever the widening is, for any reason, impractical or impossible; and requests that the project of widening this highway be at once undertaken for the safety and convenience of the people of this Commonwealth, the furtherance of its commercial progress, and to aid in speeding up the National program for defense; and be it

Resolved, That certified copies of this resolution be transmitted by the Chief Clerk to the Governor and to the Secretary of Highways.

On the question,

Will the House adopt the resolution?

It was adopted.

BILLS ON THIRD READING

The SPEAKER. If there is no objection the Chair will return to bills on third reading. The Chair hears none.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1793, (Senate Bill No. 996), entitled:

An Act to further amend section four of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452), entitled as amended "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" empowering the General State Authority through the exercise of its powers under existing law to construct equip furnish maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan	Rush,
Balthaser,	Gillette,	McClester	Sarge,
Baughner,	Goodwin,	McDermott	Sarra,
Bentley,	Greenwood,	McDowell	Scanlon,
Boies,	Gross,	McFall	Schwab,
Boorse,	Gryskewicz,	McGrath	Serrill,
Bower,	Gyger,	McIntosh	Shaffer,
Bradley,	Habbyshaw,	McKinney	Shaw,
Breth,	Haberlen,	McLanahan	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brown,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Cadwalader,	Harmuth,	Modell,	Stambaugh,
Chervenak,	Harris,	Monks,	Stank,
Chudoff,	Heatherington,	Mooney,	Stine,
Cochran,	Helm,	Moran,	Stockham,
Cohen, M. M.,	Hering,	Moul,	Tarr,
Cohen, R. E.,	Herman,	Mulr,	Tate,
Cook,	Hersch,	Munley,	Taylor,
Cooper,	Hewitt,	Nagel,	Thompson, E. F.,
Cordier,	Hirsch,	Nunemacher,	Thompson, R. L.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	VanAllsburg,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrosky,	Voldow,
Dolon,	Keenan,	Pettit,	Voorhees,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Welsh, M. J.,

Elliott,	Lee, E. A.,	Rausch,	Williams,
Ely,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Lelsey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foor,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy,
Gates,	Marks,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1794, (Senate Bill No. 998), entitled:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell convey or exchange the Executive Mansion located at Front and Barbary Streets in the City of Harrisburg County of Dauphin

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Marks,	Rosenfeld,
Baker,	Gillan,	Maxwell,	Royer,
Balthaser,	Gillette,	McClanaghan	Rush,
Baughner,	Goodwin,	McClester	Sarge,
Bentley,	Greenwood,	McDermott	Sarra,
Boies,	Gross,	McDowell	Scanlon,
Boorse,	Gryskewicz,	McFall	Schwab,
Bower,	Gyger,	McGrath	Serrill,
Bradley,	Habbyshaw,	McIntosh	Shaffer,
Breth,	Haberlen,	McKinney	Shaw,
Bretherick,	Haines,	McLanahan	Shepard,
Brown,	Hall,	McLane,	Simons,
Brunner, C. H.,	Hamilton,	McMillen,	Skale,
Brunner, P. A.,	Hare,	McSurdy,	Snyder,
Burns,	Harkins,	Melchiorre,	Sollenberger,
Cadwalader,	Harmuth,	Mihm,	Sorg,
Chervenak,	Harris,	Modell,	Stambaugh,
Chudoff,	Heatherington,	Monks,	Stank,
Cochran,	Helm,	Mooney,	Stine,
Cohen, M. M.,	Hering,	Moran,	Stockham,
Cohen, R. E.,	Herman,	Moul,	Tarr,
Cook,	Hersch,	Mulr,	Tate,
Cooper,	Hewitt,	Munley,	Taylor,
Cordier,	Hirsch,	Nagel,	Thompson, E. F.,
Corrigan,	Holland,	Nunemacher,	Thompson, R. L.,
Croop,	Huntley,	O'Brien,	Trout,
Cullen,	Imbrie,	O'Connor,	Turner,
Dalrymple,	James,	O'Dare,	VanAllsburg,
Dennison,	Jefferson,	O'Mullen,	Verona,
DiGenova,	Jones, G. E.,	O'Neill,	Vincent,
Dix,	Jones, P. N.,	Owens,	Vogt,
Dolon,	Keenan,	Petrosky,	Voldow,
D'Ortona,	Kenehan,	Pettit,	Voorhees,
Duffy,	Kline,	Polaski,	Watkins,
Early,	Knoble,	Polen,	Weingartner,
Eckels,	Kolankiewicz,	Powers,	Weiss,
Elder,	Komorowski,	Prosen,	Welsh, E. B.,
	Lee, E. A.,	Rank,	Welsh, M. J.,
	Lee, T. H.,	Rausch,	Williams,
	Lelsey,	Readinger,	Winner,

Finestone,	Leonard,	Reagan,	Wolf,
Finnerty,	Lesko,	Reese, D. P.,	Wood, L. H.,
Fliss,	Levy,	Reese, R. E.,	Wood, N.,
Fleming,	Leydic,	Regan,	Woodring,
Fletcher,	Lichtenwalter,	Reynolds,	Woodside,
Flynn,	Longo,	Rhea,	Wright,
Foor,	Lovett,	Riley,	Yeakel,
French,	Lyons,	Rooney,	Yester,
Gallagher,	Malloy,	Rose, S.,	Young,
Gates,		Rose, W. E.,	Kilroy,

NAYS—0

Speaker.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1477, (Senate Bill No. 418), as follows:

An Act requiring the Governor of the Commonwealth to issue annual proclamation setting apart September thirteenth of each year as Commodore John Barry Day

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. The Governor shall annually issue a proclamation setting apart September thirteenth as Commodore John Barry Day and recommending that it be observed by the people with appropriate exercises in the public schools and otherwise as he may see fit to the end that the memory of the service rendered by Commodore John Barry during the struggle for American independence may be perpetuated

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gerard,	Maxwell,	Rosenfeld,
Baker,	Gillan,	McClanaghan	Royer,
Balthaser,	Gillette,	McClester,	Rush,
Baucher,	Goodwin,	McClanaghan	Sarge,
Bentley,	Greenwood,	McDermott	Sarraf,
Boles,	Gross,	McDowell	Scanlon,
Boorse,	Gryskewicz,	McFall	Schwab,
Bower,	Gyger,	McGrath	Serrill,
Bradley,	Habbyshaw,	McIntosh	Shaffer,
Breth,	Haberlen,	McKinney,	Shaw,
Bretherick,	Haines,	McLanahan	Shepard,
Brown,	Hall,	McLane,	Simons,
Brunner, C. H.,	Hamilton,	McMillen,	Skale,
Brunner, P. A.,	Hare,	McSurdy,	Snyder,
Burns,	Harkins,	Melchiorre,	Sollenberger,
Cadwalader,	Harmuth,	Mihm,	Sorg,
Chervenak,	Harris,	Modell,	Stambaugh,
Chudoff,	Heatherington,	Monks,	Stank,
Cochran,	Helm,	Mooney,	Stine,
Cohen, M. M.,	Hering,	Moran,	Stockham,
Cohen, R. E.,	Herman,	Moul,	Tarr,
Cook,	Hersch,	Mulr,	Tate,
Cooper,	Hewitt,	Munley,	Taylor,
Cordier,	Hirsch,	Nagel	Thompson, E. F.,
Corrigan,	Holland,	Nunemacher	Thompson, R. L.,
Croop,	Huntley,	O'Brien,	Trout,
Cullen,	Imbrie,	O'Connor,	Turner,
Dakymole,	James,	O'Dare,	Van Allsburg,
Dennison,	Jefferson,	O'Mullen,	Verona,
DiGenova,	Jones, G. E.,	O'Neill,	Vincent,
Dix,	Jones, P. N.,	Owens,	Vogt,
Dolan,	Keenan,	Petrosky,	Voldow,

D'Ortona,	Kenehan,	Pettit,	Voorhees,
Duffy,	Kilne,	Polaski,	Watkins,
Early,	Knoble,	Polen,	Weingartner,
Eckels,	Kolankiewicz,	Powers,	Wells,
Elder,	Komorowski,	Prosen,	Welsh, E. B.,
Elliot,	Lee, E. A.,	Rank,	Welsh, M. J.,
Ely,	Lee, T. H.,	Rausch,	Williams,
Falkenstein,	Lelsey,	Readinger,	Winner,
Finestone,	Leonard,	Reagan,	Wolf,
Finnerty,	Lesko,	Reese, D. P.,	Wood, L. H.,
Fliss,	Levy,	Reese, R. E.,	Wood, N.,
Fleming,	Leydic,	Regan,	Woodring,
Fletcher,	Lichtenwalter,	Reynolds,	Woodside,
Flynn,	Longo,	Rhea,	Wright,
Foor,	Lovett,	Riley,	Yeakel,
French,	Lyons,	Rooney,	Yester,
Gallagher,	Malloy,	Rose, S.,	Young,
Gates,	Marks,	Rose, W. E.,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 636, as follows:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 114), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrar of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended redefining the powers and duties of the registration commission and its employees revising the provisions regulating the filing of removal notices and the cancellation of registrations changing the provisions and times for registration change of party enrollment and the cancellation of registrations imposing duties on certain city officers revising the procedure on appeals to the courts providing for the manner of reckoning time and imposing additional penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police

officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" is hereby amended by adding thereto after clause (r) a new clause to read as follows

Section 2 Definitions

* * *

(s) In determining or reckoning any period of time mentioned in this act the day upon which the act is and the date of the primary election hearing or other done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered at the last day for said purpose

Section 2 Section five of said act is hereby amended to read as follows

Section 5 Employees Registrars Inspectors of Registration Duties Appointment

(a) The commission shall have power to appoint such assistants clerks and employees (including inspectors) as from time to time it may deem necessary to carry out the provisions of this act The commission shall [also have power to] assign such of its employees or clerks to act as registrars [at its offices] as it may from time to time deem necessary and when so acting such employees or clerks shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with the law upon registrars Provided however That all such employees designated to act as registrars shall be registered electors of such city and not more than one-half of the registrars assigned for duty at any place at which registration is being conducted shall be enrolled members of the same political party

(b) The commission shall in the year one thousand nine hundred thirty-seven at such time as it shall deem necessary of which due public notice shall be given appoint four registrars for each election district From and after the first day of January one thousand nine hundred thirty-eight the commission not later than the fifteenth day of August in each year shall designate the place or places in each ward to be used as registration places and shall appoint not less than two or more than four registrars for each such registration place as it may deem necessary Not more than one-half of the number of registrars appointed for each election district in the year one thousand nine hundred thirty-seven and for each registration place in each subsequent year shall be members of the same political party In the year one thousand nine hundred thirty-seven all registrars appointed shall be qualified electors of the election district for which they have been appointed and in all subsequent years shall be qualified electors of the ward for which they have been appointed shall be of good moral character shall not have been convicted of any crime shall be able to read English in an intelligent manner and to write legibly and shall be familiar with qualifications of electors and duties of the registrars Such registrars shall be empowered to register the qualified electors of such election districts or wards and in so doing to administer oaths and affirmations and shall perform all other duties imposed on registrars by this act and by the registration commission

Each registrar shall receive as compensation ten dollars (\$10) for each day during which he is engaged in the active performance of his duties as registrar The commission shall designate the duties to be performed by each such registrar appointed by it The said registrars shall be appointed in the manner as hereinafter provided in subsection (c) of this section

(c) In the year one thousand nine hundred thirty-seven at such time as shall be determined by the commission of which time due public notice shall be given any five or more qualified electors of any election dis-

trict of the same political party and in all subsequent years not later than the twentieth day of July of each year any five or more qualified electors of any ward of the same political party may file with the commissioners [their petition for the appointment of not more than two qualified persons also members of said party as registrars The petition shall set forth the name address qualifications occupation and political affiliation of each person suggested for appointment as a registrar shall give the respective residences of the petitioners and shall declare that each of them belongs to the same party as that designated as the party of each candidate which petition shall be signed by each petitioner in his own handwriting and sworn to by one of them and by each candidate More than one petition may be filed on behalf of the same party for each ward or district provided that no elector shall be competent to sign petitions for more than two candidates but if any candidate dies withdraws or becomes disqualified before the last day for filing petitions aforesaid any elector who recommended him may sign a petition for another candidate All petitions shall be open to public inspection and in the year one thousand nine hundred and thirty-seven at such time as the commission may designate and not earlier than July twenty-sixth of each subsequent year the commissioners shall commence public hearings thereof considering them on consecutive week days in the numerical order of the wards and of the election districts within each ward to which they relate respectively unless reasonable cause be shown for postponing any hearing to a later time or date and reasonable notice of such postponement given to all concerned The commissioners shall publish one general notice of the place and times or days when they will examine the candidates from the election districts of the various wards at least three days prior to the first hearing in at least two daily newspapers each having a paid circulation of at least fifty thousand copies daily in the city and shall mail to each candidate a special notice of the time and place where he will be examined regarding his qualifications at least three days before the day fixed for same except that the commissioners need not notify any candidate who had previously been appointed a registrar to appear but may reappoint him without such examination If more candidates are duly nominated as members of any party than it is entitled to have appointed the commissioners shall appoint the candidate or candidates whom they consider most fit and if there are not sufficient fit candidates nominated on behalf of any party the commissioners may appoint any other persons without regard to party of whom they have knowledge Any person appointed a registrar must perform his duties as prescribed by this act unless excused therefrom by the commissioners for cause shown

(d) Should any vacancy occur in the office of registrar of any election district in the year one thousand nine hundred thirty-seven or of any registration place in any subsequent year by reason of death resignation removal from the district or ward or other cause the commission shall fill said vacancy by appointing an elector of the district or ward as the case may be who is qualified according to subsection (d) of this section and who is registered and enrolled member of the same [political party as the registrar or registrars whose office was vacated The appointment shall be made in like manner as the annual appointments of registrars as provided by this act]

(e) No registrar or inspector of registration shall exercise any power of his office nor shall any employee assigned by the commission to act as registrar at the office of the commission so act until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(f) Each commission may appoint a chief clerk at a compensation not exceeding four thousand dollars (\$4,000) per annum who shall have authority to administer oaths sign vouchers and register persons who are qualified and

who appear at the office of the commission as herein provided two (2) assistant clerks each at a salary of not over two thousand dollars (\$2,000) per annum a chief record clerk at a salary of not over twenty-four hundred dollars (\$2,400) per annum a stenographer (who may act as clerk) at a salary of not over eighteen hundred dollars (\$1,800) per annum a chief inspector at a salary of not over twenty-two hundred dollars (\$2,200) per annum two custodians of the records to guard the same while they are open to public inspection each of whom shall receive not more than fifteen hundred dollars (\$1,500) per annum a messenger who shall receive not more than twelve hundred dollars (\$1,200) per annum such stenographers as they may deem necessary competent to take notes of testimony at a compensation not to exceed ten dollars (\$10) per diem for the time actually employed at hearings before the commission and as many clerks stenographers and inspectors as they may deem necessary from time to time at a compensation not exceeding six dollars (\$6.00) per diem for the time actually employed

(g) The registration commission shall have the power to remove any employee inspector registrar or other officer appointed or employed by it [but no registrar appointed by the commission shall be removed except for cause]

(h) Any inspector of registration on his own motion or on complaint of any person known to him may and when directed by the commission shall

1 Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within such city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

2 Inspect in like manner and copy any register of lodgers in any lodging-house inn or hotel relating to or affecting the rights of any persons to vote or to be registered in any such city

3 Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

4 Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest or in the performance of any of his duties

Section 3 Clause (b) of section six of said act is hereby repealed

Section 4 Sections fourteen and fifteen clause (a) of section seventeen and clause (d) of section nineteen of said act are hereby amended to read as follows

Section 14 Watchers at Places of Registration Privileges

(a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election and any organized body of citizens of the city which has had as one of its purposes the investigation and prosecution of registration and election frauds for a continuous period of not less than ten years prior to the first day of January of the then current year may recommend not more than three electors to act as watchers without expense to the [county] city at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint such persons as watchers and provide them with proper certificates stating their names and the party body of electors or organized body of citizens as the case may be which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commission and commissioners shall give every watcher ample oppor-

tunity and afford him every convenience for the discharge of his duties Provided however That the registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for each party [or] body of electors or organized body of citizens represented shall be allowed in a place of registration at any one time

Section 15 Watchers or Attorneys at Sessions of Commission

(a) Any party body of electors or organized body of citizens described in section fourteen (a) of this act shall be entitled to appoint watchers who are qualified electors of the city or attorneys to represent such party body of electors or organized body of citizens aforesaid at any public session or sessions of the commission

(b) Any party or body of electors which now is or hereafter may be entitled to have watchers at any place of registration or at any election and any organized body of citizens described in section fourteen (a) hereof may recommend not more than three (3) qualified electors of the city or attorneys to serve as watchers or to represent such party [or] body of electors or organized body of citizens at any public session or sessions of the commission The commission shall appoint such electors or attorneys to serve as watchers or to represent such parties [or] bodies or organized bodies of citizens at such sessions of the commission

(c) All watchers or attorneys appointed or selected in the manner provided by subsections (a) and (b) of this section may exercise the same rights at any public session or sessions of the commission as watchers at places of registration

Section 17 Days and Hours of Registration Places of Registration Use of Polling Places Payments of Rentals Use of School Buildings Public Notice

(a) [From and after the first day of June one thousand nine hundred and thirty-seven the] The commission or any commissioner or clerks shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays [the days hereinafter provided for the registration of electors in the districts or wards] the day of each election and each primary the [thirty] fifty days next preceding each general election and each primary election the forty days next preceding each municipal election and the thirty days next following each November election and the five days next following each primary election at the office of the commission and at such other places within the city as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That [in the year one thousand nine hundred and thirty-seven the] commission shall arrange to have four registrars present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district of the city on at least three separate days prior to August fifteenth (one of them being in June another in July and another in August) And provided further That] in each year [thereafter] the commission [may] upon petition of one hundred qualified electors of such ward filed at least ninety days before any election shall provide one or more places of registration in each such ward of the city at which two or more registrars as the commission may deem necessary shall be present to receive personal applications from persons who claim that they are entitled to be registered which registrars shall be present thereat between the hours of seven antemeridian and one postmeridian and between the hours of four and ten postmeridian on [two days in even-numbered years one to be not earlier than the sixth Saturday nor later than the fifth Saturday before the Spring primary and the other to be not earlier than the sixth Saturday] [idow] not later than the fifth Saturday before the general election and on one day in odd-numbered years not earlier than the twelfth Saturday nor later than the eleventh Saturday before the municipal election] a day which shall be at least fifty but not more than eighty

days prior to the next succeeding election Provided That no such registration shall be held in the wards between the primary and municipal elections in odd-numbered years Provided further however That with respect to any person who shall become a citizen of the United States on a day subsequent to the sixtieth day prior to any primary or general election but at least one month prior to the day of such primary or general election the commission or any commissioner or registrar shall receive personal applications from such persons if they are otherwise qualified at the office of the registration commission until the thirtieth day prior to such primary or general election

Section 19 Registration Cards Preparation and Distribution

* * *

(d) The commission shall keep a record [of the serial numbers of the registration cards issued from time to time to each registrar] by serial number of each registration card now in existence or hereafter prepared by or for it showing the name ward and division of the elector if any registered upon such card and whether such registration or card has been canceled voided lost destroyed or otherwise removed from the district registers

Section 5 Clause (c) of section twenty of said act is hereby amended and clauses (h) and (i) are hereby added to said section to read as follows

* * *

Section 20 Manner of Registration

(c) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5 if his residence is a portion only of the house the location or number of the room apartment flat or floor which he occupies (6) the length of his residence in the State and district respectively (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is able by reason of illiteracy to read the names on the ballot or on the voting machine labels or whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance at the ensuing election and if so his declaration of that fact and his statement of the exact nature of such disability (14) the designation of the political party of the elector for the purpose of voting at primaries (15) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar commissioner or clerk and dated by him (16) his height in feet and inches (17) the color of his hair (18) the color of his eyes and (19) the date of his birth or if such date is immaterial in the determination of citizenship a statement that he has attained his majority Each registration card shall also have a sufficient number of spaces thereon for the insertion of (20) the ward and election district in which the elector resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (21) the date of each election and primary at which the elector votes and the number of stub of ballot or number of admission to voting machine and party at primary (22) the signature or initials of the election officer who enters the record of voting on the card

* * *

(h) When the registration of an elector has been completed the registrars commissioner or clerk shall deliver to the registered elector a written or printed statement signed by such registrar commissioner or clerk setting forth the name and address of the elector his ward and district the fact of registration designation of party enrollment the date thereof and the serial number of the elector's registration card The commission upon request made at its office shall deliver such a written or printed

statement of his registration to any person who is registered under the provisions of this act showing the status of his registration at the time of such request

(i) Beginning on the first day of June one thousand nine hundred and forty-one the commission shall mail or deliver a statement of registration as described in clause (h) of this section to every person who was registered under the provisions of this act prior to that day only if the commission is satisfied he or she is a qualified elector of the district shown on his or her registration card

Section 6 Section twenty-seven clause (a) of section twenty-eight clause (a) of section twenty-nine and clauses (a) (b) and (f) of section thirty are hereby amended to read as follows

Section 27 District Registers [Street List Registers] (a) District Registers The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order or in the order in which their residences appear upon the streets of the election district and in exact alphabetical order for each residence and visibly indexed as to name and voting record The affidavits so filed for each election district shall constitute the district register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

(b) Street List Register The triplicate registration affidavits shall be filed by election districts and within each district in the order in which their residences appear upon the streets of the election district and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 28 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor in his residence if a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present address (4) the serial number of his registration card [(4)] (5) space wherein the elector shall sign his name and [(5)] (6) space wherein two registered electors of the district to which he has removed shall sign their names and addresses certifying to the truth of the statement on said notice as to his present place of residence The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice having it witnessed as aforesaid and [returning] mailing it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register and that if he notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to have his residence changed he shall be guilty of a misdemeanor and subject to the penalties as provided by this act Each removal notice to be effective must be received through the mail at the office of the commission not marked not later than midnight of the [thirtieth] fiftieth day prior to any general or primary [or election of which warning shall also be contained on the removal notice] election and not later than midnight of the fortieth day prior to any municipal election and warning of this provision shall also appear on each removal notice form

Section 29 Transfer of Registration (a) Upon receipt through the mails post marked not later than midnight

of the [thirtieth] fiftieth day next preceding any general or primary [or] election and not later than midnight of the fortieth day next preceding any municipal election of a signed removal notice properly [filed] filled out or a signed request containing the required information sworn to before a registrar at a registration place and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence. In any case the commission shall within ten (10) days of the receipt by it of a removal notice advise the elector [promptly] in writing of its action.

Section 30 Change of Party Enrollment Notice Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability after Registration to Have Fact Recorded Cancellation (a) The commission shall provide change of party enrollment notices which it shall cause to be available for the convenient use of registered electors. Those notices shall be printed upon cards and shall contain spaces wherein shall be recorded under oath (1) the street and number of the elector's residence (2) his ward and election district (3) the serial number of his registration card [(3)] (4) the political party in which he is enrolled [(4)] (5) the political party in which he desires to be enrolled [(5)] (6) the signature of the elector.

(b) At any time [prior to the thirtieth day next preceding a primary or an election] between a November election and the next succeeding primary five days before primary elections excepting the thirty days next following [an] such November election [and the five days next following each primary] any person who desires to change his party enrollment or who although registered has not hitherto enrolled as a member of a party shall appear at the office of the commission or before the registrars in his ward and sign the change of party enrollment notice containing the information required by subsection (a) of this section stating the designation of the political party in which he desires to be enrolled. Provided however That no person shall be permitted to change his party enrollment more than once between any November election and five days before the next succeeding primary election. The commission shall cause the signature thereon to be compared with the signature on the general and district registers and if the signatures appear authentic shall enter the change of enrollment of political party in the general and district registers.

(f) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the disability stated by him or has voted without assistance it shall forthwith cancel on his registration affidavit the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of this action. It shall be the duty of the registration commission to examine all competent records to ascertain the facts necessary to effectuate the provisions of this subsection.

Section 7 Clause (c) of section thirty-one of said act as amended by the act approved the ninth day of June one thousand nine hundred and thirty-nine (P. L. 283) is hereby further amended and clauses (d) (e) and (f) are hereby added to said section to read as follows

Section 31 Report of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person Is Falsely Reported Deceased Reports of Removals from Certain Public Service Companies Real Estate Brokers Rental Agents Persons Firms and Corporations Operating Vehicles for Moving Furniture and Household Goods

* * *

(c) All public service companies furnishing electricity or gas to householders in any city shall report in writing from time to time to the registration commission upon the request of the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them. All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence properly managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them. All persons firms and corporations operating vehicles for moving furniture and household goods in any city of the first class shall report in writing from time to time to the registration commission upon the request of the commission all cases of removals of furniture and household goods together with the names of such persons whose furniture or household goods have been removed and the addresses to which they have removed if known to them. [The commission shall forthwith send to each such person who is found to be registered as an elector from the addresses given in said report and to all members of his family and household who are electors registered from the same addresses the notice provided for by section thirty-two of this act and shall proceed thereupon in accordance with the provisions of that section.]

(d) The mayor of each city of the first class or other officer of such city charged with the duty of examination and licensing hotels and lodging houses under the provisions of the act approved the second day of July one thousand eight hundred and ninety-five (P. L. 428) entitled "An act to regulate and license public lodging houses in the different cities in this Commonwealth" shall at least once in every three months furnish to the registration commission the names and addresses of persons partnerships firms or corporations licensed under the provisions of that act together with the names or designations and addresses of the hotels and lodging houses for which licenses have been issued. The registration commission shall require each operator or owner of a hotel or lodging house to report to such commission at least forty-five days before any election the names of all persons who have resided in any hotel or lodging house owned or operated by such operator or owner for a period of two calendar months or more and to designate in such report whether or not such persons have removed and the addresses to which they have removed if known to the operator or owner. Such reports shall be open to the public upon request.

(e) The registration commission shall cause the information received under this section to be placed on file and retained for at least one year. For this purpose the commission may in its discretion cause to be printed file cards of uniform size on which such information may be entered and from time to time corrected on the basis of new reports received by the commission.

(f) Upon receipt of any report provided for in this section the commission shall forthwith cause to be sent by mail to each person so reported and to each member of his family and household who is registered under the provisions of this act a notice warning such persons that it will be necessary for them to execute and file a removal notice in order for them to be eligible to vote at ensuing elections if they continue to live in the same city. Where the report lists the residence address to which such persons have removed and that residence address is located in the same city the notice together with a removal notice form shall be sent to the new residence address of such persons. Where the report does not list the residence addresses to which such persons have removed it shall be sent to the last residence listed on the registration affidavit of the person reported or to the address listed on the report if they differ or to both addresses. For the purposes of this subsection the commission shall cause to be printed postcards of suitable size in

such manner that a removal notice in the form provided for by subsection (a) of section twenty-nine of this act shall be physically attached thereto. The notice shall contain a direction to the postmaster that he is to forward the postcard or if no forwarding address is known to return the card within five days of the offices of the commission.

Section 8 Sections thirty-four and thirty-five of said act are hereby amended to read as follows

Section 34 Comparison and Correction of Registers Street Lists (a) Commencing [thirty (30)] fifty (50) days prior to each primary and each general election [or primary] and thirty days prior to each municipal election the commission shall compare and correct the general and district registers

(b) [After the fifth Saturday] Thirty (30) days preceding the [Spring] primary [and after the last registration day] in each year and thirty (30) days preceding the November election in [the fall of the] even-numbered years [and after the fifth Saturday preceding the Fall primary in odd-numbered years when electors may be registered] the registration commission shall prepare for each election district a street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers and shall cause to be made at least a hundred exact copies of each such list [and] not later than [twenty] fifteen days [following the aforesaid days] prior to any primary or election the commission shall distribute copies of such lists among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties bodies of electors candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the city committee of each political party or body of electors upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as one of its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such a body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided. Not later than the fifteenth day preceding each election and primary the commission shall post or cause to be posted at each polling place in such city at a point accessible to the public one of the said street lists and shall maintain the same at such place until the closing of the polls on the succeeding election day. The commission shall file with the election court certified copies of all such street lists at least fifteen days before any election.

Section 35 Petitions to Strike Off Names Filing and Notice [Any qualified elector including any watcher registrar or inspector of registration of the city may file his petition with the commission praying for the cancellation of the registration of any registered elector of the city upon such grounds as may be set forth in such petition under oath. One of the commissioners shall fix a time and place for a hearing thereon not later than ten (10) days before any primary or election and the petitioners shall cause forty-eight (48) hours' notice of the proceeding to be given to the person whose registration is in question by a duly authorized employee of the commission leaving a copy of the petition with the time and place fixed for the hearing of the same endorsed thereon with an adult person at his place of residence as given by him and recorded in the registers and upon the filing by such duly authorized employee of an affidavit that the copy so endorsed has been so served by him or that there is no adult person residing at the address given the commissioners shall proceed with the public hearing of the petition.] At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or

inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been on who no longer one of them or that no such person is residing at the address given whereupon the commission shall forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done.

Section 9 Section thirty-six of said act is hereby repealed

Section 10 Section thirty-seven of said act is hereby amended by adding thereto a new clause to read as follows

Section 37 Delivery of District Registers to Commissioners in Charge of Elections

(c) In the event that any of said district registers when so delivered shall contain the names of registered electors not contained in the street list posted in the district as required by section thirty-four (b) or shall omit names of registered electors contained in said street list then the said registers shall be accompanied by a list showing such names as were added and such names as were omitted with a brief explanation or key showing the cause for such addition or omission. Such list shall remain in the polling place on election day open to public inspection. One copy of such list shall be posted at the offices of the commission at the time of the delivery of the binders and shall remain posted until after the next succeeding election and one copy of such list shall be furnished to the chairman of the city committee of each party entitled to a ballot at the preceding primary.

Section 11 Sections forty and forty-two and clause (b) of section forty-three of said act are hereby amended to read as follows

Section 40 Cancellation of Registration upon Failure to Vote within [Four Years] Certain Periods Request for Reinstatement Correction of errors of the Commission in Cancellation of Registrations Within three months after any general or municipal election held in the year one thousand nine hundred and forty-one and within three months after each general and municipal election held thereafter the commission shall cause all of the district registers or general registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of four years immediately preceding the date of said municipal or general election held in the year one thousand nine hundred and forty-one and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding any municipal or general election held in any subsequent year the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicates that he has not voted within a period of four years or two years as the case may require and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth place of residence and signed by him. A copy of said notice shall be sent promptly to the city Chairman of the political party of which such elector was registered as a member. At the expiration of the time specified in the notice the commission shall cause the registration of such elector to be cancelled unless

he has filed with the commission a signed request for reinstatement of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of four years or two years as the case may require shall not affect the right of any such elector to subsequently register by personal application to the commission or a registrar in the manner provided by this act

Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the reinstatement of his registration not later than the tenth day preceding any primary or election and after a hearing on said application if error on the part of the commission is proved the commission shall reinstate the registration of such elector The testimony presented at such hearing shall be stenographically recorded and made a part of the records of the commission

Section 42 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of the city whose rights are impaired by any order of the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the seventh day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Provided That if the order of the commission appealed from was entered within ten days of any election or primary such appeal shall be filed within two days thereafter Thereupon any judge of the said court may fix a time and place for hearing the matter in dispute of which notices shall be served with a copy of said appeal by the appellant upon the commission or upon counsel of the commission and upon any appellant before the commission at least forty-eight hours before the court or his attorney who opposed the contention of the appellant before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of said court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall review the record made before the commission Provided however That no additional testimony shall be taken before said court hear all the witnesses and other evidence that may be offered de novo unless the issue can be decided in some other manner by an agreement of all concerned

(c) [The said court on appeal from any decision or action of the registration commission shall be limited to the determination of the regularity of such decision or action and whether the findings and decisions of the registration commission are reasonable in the light of the competent evidence presented before said commission and in conformity with law] If after such public hearing the said court shall find that the decision or action of the registration commission has been erroneous it shall direct the commission to correct its decision and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district registry of such district

(d) The said court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 43 Production of Document Et Cetera at Appeals

(b) The commission shall be a party appellee to all such appeals [but the commission shall not be obliged to

answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so]

Section 112 Clause (n) of section forty-five of said act is hereby amended and clause (o) is hereby added to said section to read as follows

Section 45 Crimes and Penalties

* * *

(n) Any person who shall [serve any paper being or purporting to be a copy of a petition to strike a voter's name from the registers or a copy of a notice or order of the commission without being duly authorized so to serve as provided herein] intentionally remove deface or destroy a copy of a street list posted by the commission in accordance with section thirty-four (b) of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars and to undergo an imprisonment of not less than three months nor more than three years

(o) Any person who shall sign their name to a removal notice certifying to the truth of a registered elector's statement therein with respect to such elector's residence without having knowledge of the truth of such statement shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand (\$1,000.00) dollars and to undergo an imprisonment of not less than three months nor more than three years

Section 1333 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Auker,	Gillan,	Maxwell,	Royer,
Baker,	Gillette,	McClanaghan	Rush,
Balthaser,	Goodwin,	McClester	Sarge,
Baughner,	Greenwood,	McDermott	Sarra,
Bentley,	Gross,	McDowell	Scanlon,
Boles,	Gryskewicz,	McFall	Schwab,
Boorse,	Gyocer,	McGrath	Serrill,
Bower,	Habbyshaw,	McIntosh	Shaffer,
Bradley,	Haberlen,	McKinney	Shaw,
Erath,	Haines,	McLanahan	Shepard,
Fretherick,	Hall,	McLane,	Simons,
Brown,	Hamilton,	McMillen,	Skale,
Brunner, C. H.,	Hare,	McSurdy,	Snyder,
Brunner, P. A.,	Harkins,	Melchiorre,	Soilenberger,
Burns,	Harmuth,	Mihm,	Sorg,
Cadwalader,	Harris,	Modell,	Stambaugh,
Chervenak,	Heatherington,	Monks,	Stank,
Chudoff,	Helm,	Mooney,	Stine,
Cochran,	Hering,	Moran,	Stockham,
Cohen, M. M.,	Herman,	Moul,	Tarr,
Cohen, R. E.,	Hersch,	Muir,	Tate,
Cook,	Hewitt,	Munley,	Taylor,
Conger,	Hirsch,	Nagel,	Thompson, E. F.,
Cordier,	Holland,	Nunemacher,	Thompson, R. L.,
Corrigan,	Huntley,	O'Brien,	Trout,
Croop,	Imbrie,	O'Connor,	Turner,
Challen,	James,	O'Dare,	VanAllsburg,
Dalrymple,	Jefferson,	O'Mullen,	Verona,
Dennison,	Jones, G. E.,	O'Neill,	Vincent,
DeNovo,	Jones, P. N.,	Owens,	Vogt,
Dix,	Keenan,	Petrosky,	Voldow,
D'Ortona,	Kenahan,	Pettit,	Voorhees,
Early,	Kline,	Polaski,	Watkins,
Edels,	Knoble,	Polen,	Weingartner,
Elder,	Kolankiewicz,	Powers,	Wels,
Elliot,	Komorowski,	Prosen,	Welsh, E. B.,
Ely,	Lee, E. A.,	Rank,	Welsh, M. J.,
Falkenstein,	Lee, T. H.,	Rausch,	Williams,
Finestone,	Lelsey,	Readinger,	Winner,
Finnerty,	Leonard,	Reagan,	Wolf,
	Lesko,	Reese, R. E.,	Wood, L. H.,
		Reese, R. E.,	Wood, N.,

Fiss,	Levy,	Regan,	Woodring.
Fleming,	Leydic,	Reynolds,	Woodside,
Fletcher,	Lichtenwalter,	Rhea,	Wright,
Flynn,	Longo,	Riley,	Yeakel,
Foor,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Rose, W. E.,	Kilroy,
Gates,	Marks,	Rosenfeld,	Speaker.
Gerard,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS RE-REFERRED

Mr. SARRAF returned from the Committee on Public Health and Sanitation with the recommendation that it be re-referred to the Committee on Professional Licensure, House Bill No. 1864, (Senate Bill No. 889) entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws.

THE SPEAKER. The bill is re-referred to the Committee on Professional Licensure.

Mr. SARRAF returned from the Committee on Public Health and Sanitation with the recommendation that it be re-referred to the Committee on Professional Licensure, House Bill No. 1860, (Senate Bill No. 575) entitled:

An Act to further amend sections 12 and 7 of the act approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for revocation and suspension of licenses by said bureau; and providing penalties for violations thereof, and repealing all acts or parts of acts inconsistent therewith," by defining certain terms; imposing certain additional duties upon the State Board of Medical Education and Licensure; making provisions for graduate students from other states territories and Canada, and providing for automatic suspension of registration in case of mental incompetency.

THE SPEAKER. The bill is re-referred to the Committee on Professional Licensure.

PERMISSION GRANTED COMMITTEE TO MEET
DURING SESSION

Mr. McDERMOTT asked and obtained permission for the Committee on Cities-Third Class to meet during the session of the House.

PERMISSION TO ADDRESS HOUSE

Mr. KENEHAN asked and obtained unanimous consent to address the House.

Mr. Speaker, in passing through the hall downstairs,

Mr. Heatherington, Mr. McLane and myself noticed a crepe hanging on the door of the Joint State Government Commission. I wonder if you will explain that to the House, please.

The SPEAKER. The Commission might be dead, but the Speaker is not dead yet.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 17, 1941.

Resolved (if the Senate concur), that House Bill No. 752, Printer's No. 333, entitled "An act authorizing cities of the second class A with the consent of the owners thereof to improve and beautify property adjoining or adjacent to State-owned hospitals within such cities," be recalled from the Governor for further consideration.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1494.

A supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), as amended, entitled, "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties."

HOUSE BILL No. 1495.

A Supplement to the act approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (P. L. 2423), as amended, entitled, "An act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses from the State Employees' Retirement Fund, under the Administration of the State Employees' Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties."

With the information that the Senate has passed the same without amendment.

RESOLUTION

RECALLING HOUSE BILL No. 1413 FROM
THE GOVERNOR

Messrs. PAUL A. BRUNNER and BALTHASER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 17, 1941.

Resolved (if the Senate concur), that House Bill No. 1413, Printer's No. 513, entitled "An act requiring the Department of Highways of the Commonwealth of Pennsylvania after the use of any highway as a detour has been discontinued to restore promptly such highway to substantially the same condition as it was prior to its use as a detour," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

CONDOLENCE RESOLUTION

Messrs. ROSENFELD and TATE offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, June 17, 1941.

In the course of human progress and existence, there appears and disappears into the dim dust of that eternity that lies beyond five hundred million souls, a mere handful of humans out of that vast number that have made any lasting impression on society.

One of those individuals was the late Honorable Theodore Rosen, Judge of the Court of Common Pleas, No. 2, of Philadelphia County.

Born on the twentieth day of September, 1895, on the farm of his father, near Carmel, New Jersey, he was raised in the truly American way, through the village school and the high school at Millville, New Jersey, where he was the valedictorian of his graduating class. He won a scholarship to Rutgers University and was managing a fruit farm near Hopewell, New Jersey, when the United States entered the world war in 1917.

He immediately enlisted in the United States Army and was commissioned a Lieutenant of Infantry and Regimental Gas Officer in the 315th Infantry of the 79th Division, affectionately known as "Philadelphia's Own" regiment.

On November 4, 1918, one week before the Armistice was signed, he volunteered on a hazardous expedition across "No Man's Land" and in proceeding forward alone was hit by machine gun fire and bombarded by hand grenades. He lost an arm, an eye, and sustained twenty-four other wounds as a result of his heroic deed. He was twice cited for bravery under fire on the battlefields of France and was awarded the Distinguished Service Cross in 1919, while still in the hospital.

Notwithstanding such physical handicaps, he completed his schooling and was admitted to practice law in this Commonwealth. In 1922 he was appointed Civilian Aide to the Secretary of War of the United States of America. In 1926, he was appointed an assistant district attorney in Philadelphia County. In 1931 he was appointed to the bench of the Municipal Court of Philadelphia County, and in 1937 he was elected Judge of the Court of Common Pleas, No. 2, in Philadelphia.

He was likewise active in county, State and National fairs of the American Legion, serving as Commander of the F. D. & I. S. Clair Post, No. 37, and as Chairman of the Philadelphia County Council.

In addition to his contribution to the bar and bench in Philadelphia County, his peacetime service will best be remembered by his contribution of wisdom, counsel and guidance as well as of his substance to the underprivileged youth of his community. He ever evidenced a deep and abiding interest in the many problems that beset the younger generation.

Fired by the zeal of his devotion to his country, he felt at it was his duty as an example to the younger men to serve a voluntary enlistment in the Citizens Military Training Camp at Camp Meade, Maryland, in the summer of 1940, and it was on this altar of sacrifice to his country that he gave the balance of his strength and his indomitable courage, for as a result of this service, he contracted

an illness which was rapidly fatal and which shocked the citizens of this Commonwealth when his death resulted on August 26, 1940.

His magnificent contribution of service to his country in war and in peace has given to his memory a fame which is safe, certain and complete. His life exemplifies the fact that destiny is not a matter of chance and his indomitable courage proves that it is something to achieve.

The Court of Common Pleas, No. 2, of Philadelphia County, in accepting his portrait for permanent display dedicated itself to his memory. It is fitting and proper that this House of Representatives forever dedicate his service to society to the memory of the men and women of this Commonwealth; therefore be it

Resolved, That the House of Representatives hereby acknowledges the lasting contribution to society of the late Honorable Theodore Rosen who lived and died in the service of mankind, and now dedicates his memory forever to the men and women of this Commonwealth; and be it further

Resolved, That copies of this resolution be transcribed and transmitted to his widow, Mrs. Esther T. Rosen, the Court of Common Pleas, No. 2, of Philadelphia County, the F. D. & I. S. Clair Post, No. 37, and the Philadelphia County Council, American Legion.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 404

Mr. READINGER. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 404.

The SPEAKER. The report will lie over for printing under the rules.

PERMISSION TO ADDRESS HOUSE

Mr. O'BRIEN asked and obtained unanimous consent to address the House.

Mr. Speaker, I listened with a great deal of interest to the gentleman from Snyder, Mr. Fiss, to the gentleman from Delaware, Mr. Bretherick and the gentleman from Delaware, Mr. Turner, in relation to this belated action on these so-called Communist bills.

I want it known that it is a matter of record that under date of February 25, House Bill No. 600 sponsored by me, "An act making it unlawful to appropriate or use public funds for the support of certain educational institutions which do not dismiss officers or teachers or expel students guilty of advocating or disseminating Communistic principles or propaganda," was referred to the Committee on Education on February 25. I introduced at this same time a companion bill, House Bill No. 601 requiring teachers and administrative officers to take a certain oath.

Also, Mr. Speaker, on the same date I introduced House Bill No. 602, "An act denying recognition as a political party for all purposes to any group or persons advocating the overthrow of the government."

I might also say that I introduced a resolution, Serial No. 81, which was referred to the Committee on Rules, asking for a joint commission to investigate subversive activities in the schools.

What I want to bring to the attention of the Members of this House is that identical bills 600, 601 and 602 were introduced by me in the session of 1939, at which time the Republicans were in the majority. Those bills were referred to the Committee on Education on April 4, 1939 and there they rested until the session came to a close. It seems funny to me with all this criticism about so-called belated action on these bills from the Republican minority,

when they had ample time to act on similar bills in the session of 1939.

COMMITTEE MEETINGS

Education, Wednesday, June 18 at 9:30 a. m. in Room 326.

State Government, Wednesday, June 18 at 10:45 a. m. in Room 325.

Welfare, Wednesday, June 18 at 10 a. m. in Room 246.

PUBLIC HEARING

The Committee appointed to investigate the Bureau of Vital Statistics will hold a Public Hearing in the New House Caucus Room on Wednesday, June 18, 1941 at 9:00 a. m., E. S. T.

ADJOURNMENT

Mr. TATE. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 18, 1941, at 11 a. m.

The motion was agreed to, and (at 4:13 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., WEDNESDAY, JUNE 18, 1941.

No. 74.

SENATE

WEDNESDAY, June 18, 1941.

The Senate met at 12:30 o'clock, p. m., E. S. T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

"Seek ye the Lord while he may be found; call ye upon Him while He is near." With these gracious words, O God, Thou didst impart wisdom and understanding and the correct philosophy of life to Thy people of old. Yet they are just as clear and definite today unto us Thy people. And with them also is connoted the thought of the great need of seeking Thee as well as the serious disaster unto all who do not seek Thee and Thy wisdom and saving power.

We pray Thee, O God, in some way of Thine own choosing teach us the vital lessons of true spiritual evaluation of the worthwhile things in life that we as a people may also lay hold upon Thee while Thou mayest be found. We live in insecurity and uncertainty because we have not the surety of a living faith in Thee. We put our faith in iron shard and effervescent things. Truly may we seek Thee while yet it is day for the night cometh when no man can work.

Crown our efforts here this day with victory in the fight and joy in the doing that these closing sessions may be productive of great good to all our people. In Thy name we ask these petitions. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WATKINS and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 18, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

John Crisswell, Pittsburgh, 2042 Jacob Street, East Brookline.

Miss Ruth A. Hoffman, Pittsburgh, 1100 Union Trust Building.

DELAWARE COUNTY

Mrs. Jessie S. Hinton, Chester.

LEHIGH COUNTY

Miss Leah Charnes, Allentown.

PHILADELPHIA COUNTY

Francis L. Coll, Phila., 3947-73 "D" Street

WAYNE COUNTY

Fred W. Linde, Dyberry Twp., Box 335, Honesdale.

WESTMORELAND COUNTY

Albert A. Heasley, Penn.
Frank Ognibene, Greensburg.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Ruth,	Wade,
Cox,	Homsher,	Scarlett,	Walker,
Crider,	James,	Shapiro,	Watkins,
Crowe,	Jaspan,	Snowden,	Wilson, H. I.,
Deltrick,	Kephart,	Stevenson,	Wilson, T. B.,
Dent,	Lanius,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT OF JUSTICE OF THE PEACE IN MONTGOMERY COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Horatio Batezell, 101 Lismore Avenue, Glenside, Montgomery County, for appointment as Justice of the Peace in and for the Township of Cheltenham, Montgomery County, until the first Monday in January, 1942, vice Richard J. Refsnnyder, resigned.

ARTHUR H. JAMES.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 358

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 358, entitled:

An Act to further amend clauses three and four and subsection (b) of section 913 of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled, "Pennsylvania Election Code"; by fixing the fee for filing nomination petitions for the office of jury commissioner.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 803

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 803, entitled:

An Act to amend section six hundred and forty-three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," prohibiting selling, giving away or permitting or employing minors under eighteen to sing, dance, act or exhibit in dance houses, concert saloons, theatres, places of entertainment, tap rooms, clubs, cafes, restaurants or eating houses, where or connected with which, wines or spirituous or malt liquors are sold or given away.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1323

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1323, entitled:

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the city of Harrisburg, in exchange for the conveyance by said city of Wildwood Park to the Commonwealth for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1324

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1324, entitled:

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" further providing for ascertaining the change of classification of counties.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 358, entitled:

An Act to further amend clauses three and four and subsection (b) of section 913 of the act approved the third day of June, one thousand nine hundred thirty-seven, (P. L. 1333), entitled, "Pennsylvania Election Code"; by fixing the fee for filing nomination petitions for the office of jury commissioner.

House Bill No. 803, entitled:

An Act to amend section six hundred and forty-three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," prohibiting selling, giving away or permitting or employing minors under eighteen to sing, dance, act or exhibit in dance houses, concert saloons, theatres, places of entertainment, tap rooms, clubs, cafes, restaurants or eating houses, where or connected with which, wines or spirituous or malt liquors are sold or given away.

House Bill No. 1323, entitled:

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg, in exchange for the conveyance by said city of Wildwood Park to the Commonwealth, for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary.

House Bill No. 1324, entitled:

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hun-

dred and twenty-nine (P. L. 1278), entitled "General County Law" further providing for ascertaining the change of classification of counties.

Whereupon,
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL NO. 996

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 996, entitled:

An Act to further amend section four of the act approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452) entitled, as amended, "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act;" empowering the General State Authority through the exercise of its powers under existing law to construct, equip, furnish, maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 998

He also returned to the Senate, Senate Bill No. 998, entitled:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell convey or exchange the Executive Mansion located at Front and Barbara Streets in the city of Harrisburg county of Dauphin.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 418 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 418, entitled:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirteenth of this year as Commodore John Barry Day

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE NON-CONCURS IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL NO. 418

Mr. EALY. Mr. President, I move that the Senate non-

concur in the amendments made by the House to Senate Bill No. 418.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, June 18, 1941.

Resolved (if the Senate concur), That House Bill No. 1413, (Printer's No. 513), entitled:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania, after the use of any highway as a detour has been discontinued, to restore promptly such highway to substantially the same condition as it was prior to its use as a detour

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 633, (Senate Bill No. 1219), entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "First Class City Permanent Registration Act," as amended, redefining the powers and duties of the registration commission and its employees; revising the provisions regulating the filing of removal notices and the cancellation of registrations; changing the provisions and times for registration, change of party enrollment and the cancellation of registrations; imposing duties on certain city officers; revising the procedure on appeals to the courts; providing for the manner of reckoning time; and imposing additional penalties.

Which was committed to the Committee on Elections.

House Bill No. 674, (Senate Bill No. 1220), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "Administrative Code of 1929," as amended by making certain changes in the name qualifications powers and duties of the State Board of Examiners for the Registration of Nurses and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board and other officers and employees thereof.

Which was committed to the Committee on State Government.

House Bill No. 675, (Senate Bill No. 1221), entitled:

An Act providing for and regulating the State Licensing and registration of nurses of several classes the biennial recording of licenses regulating nursing imposing penalties and repealing certain existing laws.

Which was committed to the Committee on Public Health.

House Bill No. 777, (Senate Bill No. 1222), entitled:

An Act to amend section two thousand five hundred five A of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," further regulating the fixing of maximum and minimum salaries by the Department of Public Assistance and the employment Board, and providing for increases of salaries in certain cases.

Which was committed to the Committee on State Government.

House Bill No. 997, (Senate Bill No. 1223), entitled:

An Act to amend subsection (e) of section three hundred and one of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "The Pennsylvania Occupational Disease Act," by allowing common law actions in certain cases.

Which was committed to the Committee on Workmen's Compensation.

House Bill No. 1013, (Senate Bill No. 1224), entitled:

An Act to repeal section five of the act, approved the fourth day of May, one thousand nine hundred and five (P. L. 385), entitled "An act creating the Water Supply Commission of Pennsylvania; defining its duties; fixing the scope of its authority and powers, and making an appropriation for the payment of the salaries and expenses connected therewith," prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1051, (Senate Bill No. 1225), entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "City State Highway Law" by establishing additional routes in the City of Jeannette.

Which was committed to the Committee on Highways.

House Bill No. 1101, (Senate Bill No. 1226), entitled:

An Act to amend section one thousand five hundred and one, and one thousand five hundred and eight of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," further regulating sewer connections and sewer district assessments in certain cases.

Which was committed to the Committee on County Government.

House Bill No. 1195, (Senate Bill No. 1227), entitled:

An Act to amend article three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by authorizing the formation of State and county associations of assessors or other assessing and taxing officers; providing for the organization, operation and meetings thereof; and imposing the duty of paying certain expenses connected therewith upon counties.

Which was committed to the Committee on County Government.

House Bill No. 1237, (Senate Bill No. 1228), entitled:

An Act to amend Route 64248 of section two of the act, approved the first day of June, one thousand nine hun-

dred and thirty-three (P. L. 1172), entitled "Borough Rural State Highway Law."

Which was committed to the Committee on Highways.

House Bill No. 1286, (Senate Bill No. 1229), entitled:

An Act relative to employment of females in hotels, taverns, saloons and eating houses for the mixing or sale of alcoholic drinks, and the penalty for violation thereof.

Which was committed to the Committee on Law and Order.

House Bill No. 1397, (Senate Bill No. 1230), entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 457), entitled "Building and Loan Code," as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

Which was committed to the Committee on Banking.

House Bill No. 1466, (Senate Bill No. 1231), entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," by changing the procedure for and regulating elections by persons in actual military service, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, and county commissioners, providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

Which was committed to the Committee on Elections.

House Bill No. 1487, (Senate Bill No. 1232), entitled:

An Act to amend the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1132), entitled "The Permanent Registration Act in Cities of the Second Class A" as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Which was committed to the Committee on Elections.

House Bill No. 1483, (Senate Bill No. 1233), entitled:

An Act to repeal the act approved the sixteenth day of January, one thousand seven hundred and ninety-nine (Sm. L. 338), entitled "An act to declare Frankford Creek, a public highway."

Which was committed to the Committee on Judiciary Special.

House Bill No. 1530, (Senate Bill No. 1234), entitled:

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Lackawanna River between a point in or near the Borough of Blakely Lackawanna County and a point in or near the Borough of Olyphant in Lackawanna County and to provide the necessary approaches thereto and making an appropriation

Which was committed to the Committee on Appropriations.

House Bill No. 1558, (Senate Bill No. 1235), entitled:

An Act to further amend section two of the act, approved the twenty-ninth day of March, one thousand eight hundred ninety-nine (P. L. 21), entitled "Certified Public Accountant Law," by further regulating examination of applicants for certificates as accountants, and making said section conform to the Administrative Code of 1929.

Which was committed to the Committee on State Government.

House Bill No. 1585, (Senate Bill No. 1236), entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims, taxes, penalties, interest and costs such amount as may be fixed for the discharge hereof in proceedings under the National Bankruptcy Act.

Which was committed to the Committee on Judiciary special.

House Bill No. 1643, (Senate Bill No. 1237), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "Fiscal Code" by providing for the manner of payment of escheator's fees, informant's commissions, and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat, designating the funds to which such moneys shall be credited, and making an appropriation.

Which was committed to the Committee on State Government.

House Bill No. 1648, (Senate Bill No. 1233), entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "Tractor Code," as variously amended, by changing registration years, fractions of registration years, operator's license years; extending the time for exemption from fees for transfer of registration to conform with changed registration year; reducing operator's license fee; and giving the secretary power to determine whether certain motor vehicles are of tractor type.

Which was committed to the Committee on Finance.

House Bill No. 1704, (Senate Bill No. 1239), entitled:

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Indiana State Teachers' College, to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof, by the Indiana State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 1710, (Senate Bill No. 1240), entitled:

An Act creating a Board of Inspection in the Department of Public Works in cities of the first class; imposing powers and duties on such board and cities of the first class; and any lessee of water or gas mains owned by such city; prescribing rights of persons suffering damage to property or personal injuries because of defective conditions of such mains and imposing liability on cities of the first class and lessees of water or gas mains owned by such city; and repealing inconsistent legislation.

Which was committed to the Committee on Municipal Government.

House Bill No. 1719, (Senate Bill No. 1241), entitled:

An Act to add clause (k) to section two thousand one hundred two, and to repeal clause (d) of section two thousand one hundred ten of the act, approved the ninth day of April, one thousand nine hundred twenty-nine, (P. L. 343), entitled "Administrative Code of 1929," transferring power to determine questions of fact regarding the

purity of water supplied to the public from the Sanitary Water Board to the Department of Health, to conform with the provisions of the Public Utility Law.

Which was committed to the Committee on State Government.

House Bill No. 1721, (Senate Bill No. 1242), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Welfare, to acquire a certain tract of land for the use of Pennsylvania Industrial School, and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 1738, (Senate Bill No. 1243), entitled:

An Act to amend Route 22045 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law."

Which was committed to the Committee on Military Affairs.

House Bill No. 1739, (Senate Bill No. 1244), entitled:

An Act to amend Route 38043 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law."

Which was committed to the Committee on Military Affairs.

House Bill No. 1770, (Senate Bill No. 1245), entitled:

An Act to amend the title and to further amend section forty-three of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeiture for violation thereof," by permitting the use of enclosed wood-work about sinks in all except tenement-houses and lodging houses in cities of the second class, second class A, and third class.

Which was committed to the Committee on Municipal Government.

House Bill No. 1771, (Senate Bill No. 1246), entitled:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce, annulment of marriage, adoption and annulment of adoption proceedings, providing for the registration of such certificates by the said department, the issuance of certified copies thereof, and fixing fees and penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 1797, (Senate Bill No. 1247), entitled:

An Act making an appropriation to the committee appointed by the Speaker of the House of Representatives to investigate the maintenance, operation and conduct of all State hospitals.

Which was committed to the Committee on Appropriations.

House Bill No. 1826, (Senate Bill No. 1248), entitled:

An Act to amend part of section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "City State Highway Law," changing a certain route in the City of Johnstown.

Which was committed to the Committee on Appropriations.

House Bill No. 1827, (Senate Bill No. 1249), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters, and for the landscaping thereof.

Which was committed to the Committee on Appropriations.

House Bill No. 1832, (Senate Bill No. 1250), entitled:

An Act making an emergency appropriation to the Department of Highways for allocation to and distribution among boroughs and townships for the repair of certain roads and streets in Western Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1835, (Senate Bill No. 1251), entitled:

An Act creating a Highway Traffic Advisory Committee to the War Department of the United States of America; providing for its appointment; prescribing its powers and duties; and authorizing the use by the committee of the employees, equipment, supplies and facilities of certain State agencies.

Which was committed to the Committee on State Government.

House Bill No. 1837, (Senate Bill No. 1252), entitled:

An Act to further amend clauses (6) and (7) of section two and section nine hundred and eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "Public Utility Law," changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle"; and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

Which was committed to the Committee on Public Utilities.

House Bill No. 1838, (Senate Bill No. 1253), entitled:

An Act making an appropriation to the Department of Highways for the purpose of making a survey of a certain State highway; and conferring certain powers upon the Department of Highways.

Which was committed to the Committee on Appropriations.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 996, entitled:

An Act to further amend section four of the act, ap-

proved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452) entitled, as amended, "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, equip, furnish and operate projects and to lease the same and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act;" empowering the General State Authority through the exercise of its powers under existing law to construct, equip, furnish, maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth.

Senate Bill No. 998, entitled:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell, convey or exchange the Executive Mansion located at Front and Barbara Streets in the City of Harrisburg, County of Dauphin.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE RECEDES FROM ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO HOUSE BILL No. 510

The Clerk of the House of Representatives being introduced informed the Senate that the House has receded from its amendments non-concurred in by the Senate to House Bill No. 510, entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred thirty-five (P. L. 599), entitled "Sunday Motion Pictures Act," by changing the method whereby future referendums be initiated.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 510, entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred, thirty-five (P. L. 599), entitled "Sunday Motion Pictures Act," by changing the method whereby future referendums be initiated.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 80, (HOUSE BILL No. 1208)

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon

its amendments non-concurred in by the Senate to Senate Bill No. 80, (House Bill No. 1208), entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897-1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further defining "contributions" to be paid by certain employers changing the procedure and administrative details for the determination and payment of compensation further regulating the appointment promotion dismissal suspension and furlough of civil service employees further defining the powers of and procedure before the board making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board and making the Administration Fund subject to certain charges

**SENATE INSISTS UPON ITS NON-CONCURRENCE
IN THE AMENDMENTS MADE BY THE HOUSE
TO SENATE BILL No. 80**

Mr. HENRY I. WILSON. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HENRY I. WILSON. Mr. President, the importance of Senate Bill No. 80 I feel justifies me in making a few statements before a Committee on Conference is named. It perhaps would seem a little presumptuous for any Senator to rise at this time to take up a little valuable time, but it will be remembered when this bill was on second reading there were many questions which arose, making it necessary to figure out and try to put the bill in concrete shape. It was delayed and there is no use in going into that, as the record shows.

Finally when the bill passed, it went over to the House. Now, in all of those discussions before the Senate it was thoroughly understood, of course, that this bill was drafted and sponsored by four Senators, those four Senators being Senators Heyburn, Dent, Miller and myself, and that it was the result of about eighteen months of conferences, and many hearings were held and it was tried to prepare a non-controversial bill. It has gone beyond that now. The action of the House in amending this bill to the extent that it has been amended and their refusal to recede from any or all of those amendments, I feel, makes it necessary for one of the sponsors of the bill to arise and state something against the amendments which have been placed in the bill by the House. If we fail to do that at this time, the members of this Senate will not realize what has been done and the dangers that may come from it.

Therefore, Mr. President, that there may be no misunderstanding and that there may be no careless state-

ments made here, I want you to take notice of the fact that I am making a statement which I honestly believe to be true, and all the sincerity I have is back of it, and all the training and experience in compensation matters is in back of it.

Some may say there are certain paragraphs that may be called political. It is impossible to approach this question at this time without having just a little of it in there. So that the Senate will know there is nothing personal about it, so that those who have co-operated in getting this bill prepared in the first instance will understand that these remarks are directed at the so-called leaders of the party, of the opposition, I wish to make this statement:

The destruction of public morale is an unwholesome bi-product of political egotism and as we focus our attention on the vital legislative problems confronting the General Assembly in its closing days, it should be plain to the members of this body that the time for deception and intrigue has passed.

Today, the legislative machinery of Pennsylvania has become choked with political platitudes and the Democratic party, instead of fulfilling the obligations of progressive legislation, has deliberately scuttled its parliamentary interest in good government.

There can be no misreading the scope and intent of Democratic leadership in its efforts to elevate the requirements of party politics above any serious concern for the people of this Commonwealth.

We have observed their appeal to labor through vaporous promises they know in their hearts will never materialize. We have studied the inconsistencies of their farm program and we have scrutinized the glaring flaws in their financial juggling of the state budget.

These are hard facts we are dealing with today and it is inconceivable that the course of free society should be hampered and distorted by the warped and twisted theories which have motivated their leadership during this session.

One of the most flagrant violations of public confidence has been their attitude toward unemployment compensation and although they have succeeded in masquerading as the big brother of the working man, I hereby charge the opposition leadership with juggling their position in regard to labor and wilfully sabotaging a bi-partisan bill liberalizing the Pennsylvania unemployment compensation law!

Whatever the mutations of politics, I do not believe the constitutional purpose of good government will ever be perpetuated when political parties show such contempt for the rights and privileges of the people of this state. And we should make no mistake about the seriousness of such error and the actual duplicity of House Democrats in dealing with the problems of the working man.

The Democratic hatchet men weren't thinking of labor when they slashed and shredded the liberal provisions of Senate Bill 80 and stripped it of twenty of the original 22 recommendations drafted by the Joint Legislative Committee to Study Unemployment Compensation.

Where, at that moment, were the protective assurances that their party had benignly held out to labor?

Their artificially-induced interest in the working man somehow loses its eloquence in the fact of such deception. It made no difference to the scholarly prophets of the opposition party that the recommendations of the Joint

Legislative Committee and the former Joint State Government Commission had been unanimously approved by the Democratic as well as Republican personnel of the Legislature's fact-finding body.

These recommendations, climaxing 16 months of intense study and research, were incorporated into Senate Bill 80. It was generally conceded that the findings of this group were fair and equitable and met every possible contingency without thought of discolored their purpose with vicious political implications.

It was the unanimous opinion that the recommendations of the Joint Legislative Committee offered an orderly solution of the complex problems associated with the administration of the unemployment compensation law. It was generally agreed that these recommendations would give an accelerated lift to the economic status of the working man and bring his industrial security within a new range of legislative understanding.

We have to go back to May 27, 1939, when the General Assembly created the Joint Legislative Committee to Study Unemployment Compensation to realize that from the very outset the purpose of this body was to conduct a non-political study of unemployment compensation and make the law applicable to a swiftly changing tide of economic conditions.

Yet, after concurring in these recommendations and agreeing that they represented the best approach toward stabilizing unemployment compensation in this state, the Democratic leadership deliberately hedged on its position and ripped out most of the previously approved recommendations.

It requires no political oracle to sense the significance of such a move when we consider that Democratic leaders, as a sop to public sentiment, then proceeded to substitute fantastic provisions they know could never be enacted into law!

Gravely etched in our memories are other irrational examples of their "strategy" but in this instance the leaders of the opposition party made the fatal blunder of assuming that the working man of Pennsylvania would not object to being an experimental guinea pig for their antiquated political theories.

They calmly overlooked the fact that the hopelessly impractical nature of their promises to labor would inevitably bankrupt the state unemployment compensation fund and route the working man over the rocky road of economic extinction.

Likewise, in their frenzied efforts to indulge in political horse trading at the expense of labor and industry, the Democratic high command somehow lost sight of the fact that the recommendations of the Joint State Legislative Committee had been given a stamp of approval by the American Federation of Labor and the C. I. O.!

Thus, their attitude toward Senate Bill 80 puts them in the incongruous position of wooing labor and then dealing it one from the bottom of the deck!

I might say here that the purpose of the Joint Legislative Committee to Study Unemployment was not to conduct a superficial study of the subject and then file a perfunctory report. The background of this fact-finding body covered some 16 months of intense study and research and the result of this program was a comprehensive analysis of unemployment compensation, first of its kind ever compiled by a legislative body.

The recommendations approved by the Democratic and Republican members of this group did not follow any clairvoyant ideas of governmental operation but were firmly rooted and practical interpretations of how best to meet the problem which had hamstrung the administration of the law.

It was important from the very outset that the subject of unemployment compensation should not be plunged into a controversy. The views and desires of all groups and factions were woven into a pattern of approved ideas and from this bedrock of mutual understanding sprang the recommendations which were eventually written into Senate Bill 80. I am sure that the Senators on both sides would never have approved the changes as they came over from the House.

Originally, the Senate measure boosted minimum payments and reduced the waiting period covering the filing of compensation claims. House Democrats, through selfish exercise of the discretionary powers at their disposal, rode roughshod over these provisions by hiking the minimum schedule beyond all sane limitations and further reducing the waiting period.

Aside from exposing the worthlessness of its legislative pledges, the Democratic party brazenly attacked the merits of Senate Bill 80 as a "lodestone around the neck of the working man" and sought to instill terrifying doubts in the mind of labor by appearing to come to its rescue like the hero in a school boy play.

The only drawback to this boisterous philanthropy is that the Democratic leadership, in line with its profligate record of financial inefficiency, forgot to consider that the unemployment compensation fund is not an inexhaustible well for the type of free-fisted spending that sent the Earle regime spinning into economic collapse.

They forgot to ask themselves what confidence conscientious legislators can have in investigating and survey committees if agreements and amendments unanimously endorsed are afterwards repudiated.

They failed to recognize the fact that no deserter from the cause of good government can be comfortable on his return and that breaking faith with one's legislative constituents not only discredits the efficacy and honor of our legislative committees but casts a deplorable stigma on the obligations that all of us must face as representatives of the people.

It would be virtually impossible to make an accurate appraisal of what the Democratic provisions would cost the Fund but it is safe to say these changes, if enacted, would cost the unemployment compensation fund between \$20,000,000 and \$40,000,000 annually and inevitably exhaust it!

The theoretical devices of the Democratic leadership cannot cover up the fact that it has thrown into discard most of the recommendations boosting the status of the working man and that it has camouflaged this piece of legislative juggling by increasing minimum payments beyond all practical calculations!

By promising the workers of this state something it knows it can never fulfill the Democratic leadership not only attains unrivaled heights of political duplicity but reverts to the disastrous "on-the-cuff" financing of the Earle regime!

Senate Bill No. 80, in its present form, has been altered so drastically that it is a fraud upon every working man

eligible for unemployment compensation. The measure has been transferred into something so far removed from its original objectives that it is unrecognizable. It has become instead a bill dealing with civil service; it has become a bill to freeze out employes, now paid from a fund set up by the Social Security Board for administration expenses, and prevent them from being placed under civil service so that another political grab can be perpetrated in Pennsylvania.

I point specifically to the Democratic treasurer's office where payments covering unemployment compensation claims are administered. Certainly their leadership has no desire to see this patronage nest disturbed by the restrictions of civil service because they are interested only in good political jobs for good Democrats.

The net result is another case of political deception; of action motivated by politics and blind disregard for the actual welfare of the working man.

What has the Democratic leadership to gain by such subterfuge? Where have the labor leaders and organizers been all this time? It is inconceivable that labor, in the final analysis, will applaud the Democratic party's vague humanitarian impulses or stand idly by while the opposition party openly hijacks all of the liberalizing provisions of Senate Bill 80.

And how have they done this and what does it mean to labor?

They have purged a provision bringing the state unemployment compensation law into conformity with the Federal Social Security Law passed by a Democratic Congress.

They have stricken out an amendment exempting from the tax all farm employes in Pennsylvania.

They have waved the flag for national defense and then scuttled a provision exempting payments made by employers to employes engaged in military or naval service.

They have torpedoed the rights of labor by abolishing an amendment establishing a Mandatory Advisory Council comprised of employes, employers and the public to aid and perfect the administration of the law.

This was a mutual protection step in which labor would have had a powerful voice and it is a branding indictment of Democratic insincerity that orderly economic adjustments possible under this amendment have been shelved into obscurity!

They have taken the teeth out of provisions underwriting the salary rights of employes by striking out an amendment permitting the filing of liens against employers if they try to evade payment of the tax and curbing the action of nefarious employers who try to cheat the law by changing their firm name and transferring assets.

This can only be interpreted as a direct effront to workers since it undermines the economic security of those who labor for a living and provides legal escape for employers seeking to circumvent the law!

I ask this Honorable body and I ask the people of Pennsylvania, how long must we tolerate the domineering inefficiency and shortsighted leadership of the Democratic party? The General Assembly is presumably dedicated to the task of enacting sound, constructive legislation without the infinity of political restrictions with which Democratic leaders have sought to confuse the issues and build party prestige. Theirs has been a program of sly,

ill-conceived propaganda and even less impractical legislation.

It is high time the Democratic party's dramatic flair for political adventuring be cut short and that we call a halt on the obstructionist tactics which have created a bottleneck of ill-advvised authority in the House.

It is the solemn duty of every member of this legislature to concentrate on a swift and determined end to political grandstanding.

The recommendations of the Joint Legislative Committee have been riddled through political discrimination so fantastic that one wonders just how long the people of this Commonwealth will remain silent.

The 22 proposed amendments incorporated into Senate Bill 80 were conscientiously studied to liberalize the status of workers in all fields and it is now up to those workers to disown the damaging political philosophy of tiny men and smaller principles.

The tempo of civilization is now geared to the furious demands of national defense and it is incompatible that the vital necessities of unemployment compensation should be thrown overboard because the Democratic leadership orders it!

The constitutional privileges of good government never intended that the standard of living for all Pennsylvanians should be smothered by political arrogance. Constructive legislation is not the product of a political mirage nor does it follow a pollution of ideals and loyalties.

The obligations of this honorable body are clear cut. There is no further time for dilatory tactics. Democratic stalling and high pressure bargaining has no place in our consideration. There are issues to be met and they must be met honestly and unswervingly without regard for party politics. The political nourishment of this great Commonwealth depends upon the ability of us as legislators to compromise differences and retain a virile belief in the American way of life.

As a member of the Joint Legislative Committee, I wish to impress upon you at this time that Senate Bill 80 must be passed in the form that it originally was approved by the Senate and the bi-partisan personnel of the Joint Legislative body.

It would be arrogant for the Republican bloc of the Senate to blind itself to any possible clarification of the language of the amendments which are reasonable and necessary and we approach a solution of this problem with an open mind. The original 22 recommendations, barring minor changes, are based on what the unemployment compensation fund will actually stand and there is no plausible reason why these provisions, once given bi-partisan approval, should be submerged because of political expediency.

I ask in all sincerity that Senate Bill 80 be restored to its original status, with any necessary and mutually sanctioned changes, and that it be passed without further delay.

Unless this is done in the full light of the deep-rooted obligations now hinging upon this body, the full responsibility for sabotaging Pennsylvania's unemployment compensation law will be placed squarely where it belongs and that, gentlemen is upon the Democratic leadership of Pennsylvania.

Mr. President, before closing my remarks, I wish to add this word. It may be said on the other side, that due to

war conditions, and due to great activities among manufacturers and other interests, that a great fund is being created down at Washington, the safety of which might be questioned, but that it is there, and therefore we could stand a raise in these rates and we could lessen the waiting periods and do all of these things, but no war was ever started without ending and no war has ever ended without being followed by a period known as a reconstruction period. I well remember the predictions of many of our people made when the World War ended, as to what the effect would be. This is what is going to happen. Just stop for a minute. Hundreds and thousands of people in the reconstruction period will no doubt be put out of employment with this fund in the hands of the government, and I wonder if they feel it is safe. This fund will come in handy then for that is the time you will need it; you do not need it now when things are good, but you need the money there, and it is history that some of the funds have failed, and the employers were formerly required to pay three or four per cent, and it took 70,000 people to administer it and the fund vanished.

Now Mr. President, may I say to the members of this Senate that nobody should pass upon a bill of this character without investigation and study, nobody should say this or that or the other, unless he has the qualifications to do so. These are important matters, very important matters. Of course, many of them can be understood in a short time, but this is one that takes months, it takes years to understand what the effects are, and Senate Bill No. 80 was approved by Washington and by the Federation of Labor and by the C. I. O., and for political purposes I charge that all of the amendments that are in this bill—were taken out. Read it—take a day off and read it.

I ask every member of this Senate to believe what I say and to support me in my remarks. I thank you.

Mr. DENT. Mr. President, I desire to make a very short statement.

The PRESIDENT. The gentleman from Westmoreland may proceed.

Mr. DENT. Mr. President, this is the place but perhaps the wrong time to give an answer to the remarks just made by the gentleman from Jefferson, but I want to assure him that the House is acting within its jurisdiction when it takes a Senate bill and attaches to a Senate bill any amendments the House in its judgment feels are justified.

I want to say further if the gentleman from Jefferson thinks the speech that he just made is non-partisan and non-political, then of course his judgment and mine do not agree. I do not think a wholesale condemnation of Democratic practices or Democratic leaders has any place in the question of unemployment compensation. I too served on the committee, I too sponsored the bill, but I disagree with the gentleman from Jefferson that everything in Senate Bill No. 80 is correct.

Therefore, Mr. President, at the proper time and in this place, I will give due answer.

And the question recurring,

Will the Senate agree to the motion.

Mr. SHAPIRO. Roll call, Mr. President.

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—28

Bartlett,	Ealy,	Kephart,	Taylor,
Becker,	Edmonds,	Letzler,	Thomas,
Carr,	Farrell,	Mallery,	Tyler,
Chapman,	Geltz,	Miller,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Snowden,	Wilson, H. I.,
Deitrick,	James,	Tallman,	Wilson, T. B.,

NAYS—12

Cavalcante,	Dent,	Lanius,	Ruth,
Coleman,	Haluska,	McCreesh,	Shapiro,
Cox,	Jaspan,	McQuiddy,	Stiefel,

So the question was determined in the affirmative.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 381, (HOUSE BILL No. 1537)

He also informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 381, (House Bill No. 1537), entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the second third fourth fifth and sixth classes

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 381, (HOUSE BILL No. 1537), AND APPOINTS COMMITTEE OF CONFERENCE

Mr. MILLER. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 381, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the second, third, fourth, fifth and sixth classes

and that a Committee of Conference be appointed to confer with a similar Committee of the House of Representatives (if the House shall appoint such a committee) to consider the differences existing between the two houses in relation to said bill.

Mr. LETZLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF INFORMATION

Mr. SHAPIRO. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Philadelphia will state his point of information.

Mr. SHAPIRO. That bill is, of course, not on the Calendar, Mr. President?

The PRESIDENT. No, it is not.

Mr. SHAPIRO. Mr. President, I think the gentleman

ought to state to the members of the Senate what the amendments are and the objections to them. As I understand it this is an airport bill which the gentleman from Luzerne introduced himself. I would like to vote on it but I would like to know what the amendments are and what the objections to them are.

Mr. MILLER. Mr. President, do I take the request of the gentleman from Philadelphia as an interrogation?

Mr. SHAPIRO. Yes, Mr. President, I would like the gentleman, not as interrogation, but as a matter of information, to inform the Senators as to his objections to the amendments.

Mr. MILLER. In that respect Mr. President I can only state, at the time this bill passed the Senate we all felt it was in very good form. As a matter of fact, it passed this body by a vote of forty-eight to nothing. During the course of its procedure in the House there were four amendments inserted and I will be perfectly frank in admitting, three of them are not very objectionable, but there is one particular amendment that is objectionable and that affects very vitally the airport now under consideration, which it is hoped will be jointly owned by Luzerne and Lackawanna Counties.

I might refer the gentleman from Philadelphia to that amendment and ask that he study it and determine for himself whether or not he, as one of the legal profession, might term it inadequate for this particular bill.

Mr. SHAPIRO. I would be very glad to do that, if given an opportunity to do so before the bill is voted on. I am saying, now, before the bill is voted on, when I do not have the amendments before me that I cannot comply with the gentleman's suggestion.

Mr. MILLER. Mr. President, I have no hesitancy in endeavoring to supply the gentleman from Philadelphia with my objections. I do not have the bill in front of me either, but I state that there is a portion of land involved in this particular airport that involves, to the best of my knowledge, some seven hundred odd acres, of which a portion of it, approximately sixty-seven acres, lies in the County of Lackawanna, and six hundred and some odd acres lies in the County of Luzerne.

Now, Mr. President, the amendment that has been inserted I believe has been placed in there to support or assist this particular situation. For the benefit of the gentleman from Philadelphia and the other members who might be interested, I will read it. The amendment is:

"Except that the owner of land to be condemned may, if such land is situated in more than one county, designate the Court of Common Pleas of any county in which any portion of such land is situated to have exclusive jurisdiction over the condemnation proceedings. In case such owner, after notice and request, fails to make such designation, the Court of Common Pleas of the county in which the principal part of the land is situated, shall have exclusive jurisdiction over the condemnation proceedings."

Now I say this, Mr. President, referring to the case that I have related, that as a resident of Luzerne County, I deem it unfair for a land owner whose land is under condemnation proceedings to be given the discretion to designate the Court of Common Pleas in which the condemnation proceedings are to be heard.

In other words, to be more specific, I do not see why a court of Lackawanna County should say to the taxpayers of Luzerne County "we condemn the land in Luzerne

County at so much money." Sometimes those juries are rather free in setting those verdicts, which would mean an additional expense in taking expert witnesses into another county to testify, which would mean the employment of additional local legal attorneys.

For that reason, Mr. President, I have objected to this particular amendment, and I trust that will fully clarify the question asked by the gentleman from Philadelphia.

Mr. COLEMAN. Mr. President, I do not think this is the time nor the occasion to go into a discussion of the merits of the amendment inserted by the House to Senate Bill No. 381. I am not going into the question of whether this is a good amendment or whether it is not, but I would like to suggest to the conferees that this is a tremendously important bill to Lackawanna and Luzerne Counties.

The Federal Government has made a survey of available land in the eastern part of the country, with a view to building what will undoubtedly be one of the largest airports outside of the metropolitan areas. I understand in the event this bill is tied up for some time in a conference committee that it will jeopardize the awarding of five million dollars from the Federal Government, so that I am impressing not only upon the members of the Senate but the conferees in particular in the event this bill is held up any length of time, the Federal Government has set a dead line for the federal grant for the erection of this airport. I understand in the event it is not settled by the last of June the Federal Government will withdraw its offer, and so I would like to join with my good friend, Senator Miller, in impressing upon the Senate that this is a tremendously important bill, and suggest that the conferees act as quickly as possible and adjust the differences existing between the House and the Senate.

And the question recurring,

Will the Senate agree to the motion,

It was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Chapman, Letzler and Mundy, be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS NON- CONCURRED IN BY THE SENATE TO SENATE BILL NO. 588

He also informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 588, entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof by prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL NO. 588 AND APPOINTS COMMITTEE OF CONFERENCE

Mr. COX. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 588 and that a committee of Conference be appointed to confer with a similar Com-

mittee of the House of Representatives (if the House shall appoint such a committee) to consider the differences existing between the two houses in relation to said bill.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Becker, Watkins and Cox to be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

BIRTHDAY FELICITATIONS TO THE SENATOR FROM BLAIR

Mr. CROWE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE offered the following resolution which was twice read, considered and agreed to:

In the Senate, June 18, 1941.

The name of one of the members of this Senate has already been publicly mentioned by some of the older citizens of this Commonwealth as one that should head the Republican ticket in 1944 as the candidate of that Party for the Presidency of the United States.

His tireless endeavors in the interests of the older people and the passage by the Senate of his bill to grant free hunting and fishing licenses to citizens of Pennsylvania who are over sixty-five years of age has won for him a vast army of admiring friends.

His growing popularity as an orator which began with the rendition of his historic speech on the car shops of Altoona and which was recently enhanced by his dramatic reading of a portion of the Fiscal Code on the floor of the Senate has made him available as a strong candidate for any office on any ticket.

Born fifty-two years ago today the Senator from Blair, the Honorable Charles R. Mallery graduated from Bucknell University in 1909 and from the Law School of the University of Pennsylvania in 1913.

He began his career tutoring a Mexican boy in Mexico City and later opened a law office in Altoona from which he has since successfully advised the residents of Blair County.

He was elected to the Senate in 1934 and reelected in 1938, and during the sessions occurring since his election he has won a place of high regard and esteem in the hearts of his fellow senators and a prominent place in its deliberations; therefore be it

Resolved, That the members of the Senate wish their colleague, the Honorable Charles Mallery, many returns of this joyous day, each one finding him happier and more prosperous and extend to him their most sincere congratulations upon his having so soon in life accomplished so much and as the years pass and reach the sum of three score and five we truly hope that he will find great joy in trudging through the wooded places of Blair County armed with his trusty shot gun or sitting on the bank of a well-stocked stream in the knowledge that his hunting and fishing license have been a gift of the Commonwealth he has so well served; and be it further

Resolved, That a copy of this Resolution shall be prepared by the Secretary of the Senate and presented to the Senator from Blair to find a place among his souvenirs.

The PRESIDENT. The Senator from Blair wishes to be recognized.

Mr. MALLERY. Mr. President, to the press it might be stated, "he spent the day working as usual."

REPORTS FROM COMMITTEES

Mr. TAYLOR, from the Committee on Highways, re-

ported as committed, Senate Bill No. 795, (House Bill No. 640), entitled:

An Act establishing certain public roads and streets and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway and providing for their laying out opening construction and maintenance by the Department of Highways subject to certain terms and conditions.

Mr. McQUIDDY, from the Committee on Highways, reported as committed, Senate Bill No. 796, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing Route 36174, Lancaster County.

Mr. BARTLETT, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 1084, entitled:

An Act creating a uniform and exclusive system for the correction, training and rehabilitation of young persons convicted of law violations in the Commonwealth; establishing the Youth Corrective Authority; conferring and defining its jurisdiction, duties, powers and functions, including the commitment, control, supervision and discharge of young persons convicted of crime; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employees; authorizing it to make and enforce rules for the accomplishment of its functions, to create administrative districts and to make use of existing institutions and agencies and the facilities of other departments of the Commonwealth; imposing certain duties upon judges and providing for appeals; fixing the salaries of members of the board and of certain other officers and employees thereof; and making an appropriation.

Mr. KEPHART, from the Committee on Highways, reported as amended, Senate Bill No. 978, (House Bill No. 1315), entitled:

An Act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitation of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of the act" by adding new sections making certain changes in the designation of certain streets taken over as State highways and adding thereto certain additional streets providing for the taking opening re-

location widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and the city or either of them designating the city as agent for the Commonwealth in such taking opening relocation widening or change of grade and the determination of damages arising therefrom authorizing agreements for the taking opening relocation widening change of grade construction reconstruction repair and maintenance of such State highways appropriating money in the Motor License Fund for the purposes of the act as amended.

Mr. CROWE, from the Committee on Highways, reported as committed, Senate Bill No. 854, entitled:

An Act to further amend paragraph six of subsection (b) and subsection (f) of section one thousand two of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by increasing the legal speed of certain vehicles and changing penalties provided therefor.

Mr. SCARLETT, from the Committee on Highways, reported as committed, Senate Bill No. 1149, (House Bill No. 1457), entitled:

An Act establishing certain public roads in Porter Township Clarion County and Mahoning Township Armstrong County as a State highway providing for their construction and maintenance by the Department of Highways.

He also, from the Committee on Public Utilities, reported as amended, Senate Bill No. 783, entitled:

An Act to further amend the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; Authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by changing the method by which notice of the formation of a municipal authority shall be made public; further regulating incorporation purposes and existence of the authority; defining procedure whereby an authority can enter into contracts and dispose of its bonds; imposing additional qualifications and duties on members of the authority; imposing civil liability on members of the board and officers of an authority in certain cases; requiring annual audits; imposing additional duties on the court of com-

mon pleas; giving authorities right of eminent domain in certain cases, and extending with certain limitations the power of Authorities to make certain purchase requiring authorities in certain cases to secure certificates of public convenience from the Public Utility Commission, imposing duties upon said commission and providing for appeals, requiring the filing of financial reports by authorities with and the approval of bond issues by the Department of Internal Affairs and conferring powers and imposing duties upon said department, restricting the appointment of members of authorities and limiting their salaries, and providing for the voluntary dissolution of authorities.

With the request that it be recommitted to the same committee after two readings.

Mr. RUTH, from the Committee on Judiciary General, reported as amended, Senate Bill No. 768, (House Bill No. 1127), entitled:

An Act defining regulating and providing for the licensing and registration of employment agents and their representatives including private employment agents theatrical employment agencies and nurses' registries providing for revocation and suspension of licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the Department of Labor and Industry and the Department of Public Instruction providing penalties and repealing existing laws

Mr. THOMAS B. WILSON, from the Committee on Highways, re-reported as amended, Senate Bill No. 467, entitled:

An Act authorizing the Secretary of Highways to establish, construct and maintain parallel or approximately parallel State highways in townships, boroughs, incorporated towns and cities in certain cases; providing for the payment of property damages resulting therefrom; and authorizing the Secretary of Highways to control the direction of the flow of traffic thereover.

He also, from the Committee on Highways, reported as amended, Senate Bill No. 1134, (House Bill No. 220), entitled:

An Act to amend section four of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions, and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," requiring the Department of Highways to take over structures bridges and viaducts on State highways in cities of the third class.

Mr. CARR, from the Committee on Judiciary Special, re-reported as committed, Senate Bill No. 890, (House Bill No. 139), entitled:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight

hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen

Mr. TYLER, from the Committee on Highways, reported as committed, Senate Bill No. 541, (House Bill No. 650), entitled:

An Act to amend section seven of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the motor license fund for the purposes of this act" as last amended by providing for the changing of width lines location or grades of streets in cities of the second class second class A and third class by the Department of Highways without the consent of the city in which said street is located relieving the city from liability for damages in such cases and imposing liability for damages upon the Commonwealth of Pennsylvania.

Mr. LETZLER, from the Committee on Welfare, Public Assistance and Pensions, re-reported as committed, Senate Bill No. 464, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to Mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by changing the residence requirement for general assistance.

He also, from the Committee on Welfare, Public Assistance and Pensions, re-reported as committed, Senate Bill No. 457, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to

accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by enabling the Department of Public Assistance to take measures to rehabilitate persons receiving assistance.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 712, entitled:

An Act to amend section one and section two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 899) entitled "An Act establishing a State Highway in the County of Lebanon; providing for its location, construction, improvement, and maintenance by the Commonwealth," by amending the State Highway Route established by said act and providing that said State Highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth.

Mr. SHAPIRO, from the Committee on Judiciary General, reported as amended, Senate Bill No. 1098, entitled:

An Act relating to the sale, transfer, assignment and pledge of accounts receivable and requiring the assignor of accounts receivable to make appropriate record of the fact of such assignment, and prescribing penalties for failure to do so.

Mr. HOMSHER, from the Committee on Highways, reported as committed, Senate Bill No. 1148, (House Bill No. 1441), entitled:

An Act to amend routes 52037 and 52044 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing certain routes in the county of Potter

Mr. CHAPMAN, from the Committee on Appropriations, reported as amended, Senate Bill No. 797, entitled:

An Act making an appropriation to the Department of Highways for the construction of roadways and parking areas on the premises included in the Pennsbury Memorial.

REPORT FROM COMMITTEE, ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

COMMONWEALTH OF PENNSYLVANIA

Governor's Office

Harrisburg

JUSTICES OF THE PEACE

Reported June 9, 1941.

EARL H. BRADENBURG, R. D. No. 3, Mechanicsburg, Cumberland County, for appointment as Justice of the Peace in and for the Township of Upper Allen, Cumberland County, until the first Monday in January, 1942, vice W. B. Perrigo, resigned.

Reported June 12, 1941.

WALLACE H. GRIGGS, R. D. No. 5, Towanda, Bradford County, for appointment as Justice of the Peace in and for the Township of Sheshequin, Bradford County, until the first Monday in January, 1942, to fill a vacancy.

Reported June 10, 1941.

CHARLES F. STOWE, R. D. No. 2, Sharon, Mercer County, for appointment as Justice of the Peace in and for the Township of Hickory, Mercer County, until the first Monday in January, 1942, vice Alex Elliott, resigned.

ARTHUR H. JAMES

COMMONWEALTH OF PENNSYLVANIA

Governor's Office

Harrisburg

PUBLIC ASSISTANCE BOARD

MEMBERS OF THE COUNTY BOARD OF ASSISTANCE
FAYETTE COUNTY

Jan. 13, 1941.

JOHN FARRELL, Uniontown, from May 17, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

ELI H. HATFIELD, Brownsville, from May 17, 1940, until December 31, 1942.

CHARLES M. STONE, Connellsville, from May 17, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) MABEL LUMAN, Uniontown, from May 17, 1940, until December 31, 1940, and until her successor is duly appointed and qualified.

ARTHUR H. JAMES

COMMONWEALTH OF PENNSYLVANIA

Governor's Office

Harrisburg

MEMBER OF THE STATE BOARD FOR THE EXAMINATION
OF PUBLIC ACCOUNTANTS

May 5, 1941.

GEORGE R. DRABENSTADT, C. P. A., Racquet Club, Philadelphia, Philadelphia County for appointment as a member of the State Board for the Examination of Public Accountants, for the term of four years and until his successor is appointed and qualified, vice Charles H. Steel, whose term expired.

ARTHUR H. JAMES

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. EDMONDS, That Rule 38, which requires nominations made by the

Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. EDMONDS, That the Senate do now advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tailman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Ruth,	Wade,
Cox,	Homsher,	Scarlett,	Walker,
Crider,	James,	Shapiro,	Watkins,
Crowe,	Jaspan,	Snowden,	Wilson, H. I.,
Deitrick,	Kephart,	Stevenson,	Wilson, T. B.,
Dent,	Lanius,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

REPORT OF SPECIAL INVESTIGATING COMMITTEE

Mr. STEVENSON. Mr. President, at this time I submit final report of the Joint Investigating Committee appointed by virtue of concurrent resolution of the Senate and House of Representatives adopted June 5, 1941, to investigate certain charges made on the floor of the Senate, June 4, 1941, by the Senator from Fayette, Honorable Anthony J. Cavalcante.

The report was read as follows:

IN THE GENERAL ASSEMBLY OF THE COMMON-
WEALTH OF PENNSYLVANIA
FINAL REPORT
of the

Joint Investigating Committee appointed by virtue of the Concurrent Resolution of the Senate and the House of Representatives adopted June 5, 1941, to investigate certain charges made on the floor of the Senate, June 4, 1941, by the Senator from Fayette, Honorable Anthony J. Cavalcante.

Your Committee reports as follows:

On June 4, 1941, on the floor of the Senate and during the debate on House Bill No. 690, the Senator from Fayette, Mr. Cavalcante, made the statement that a criminal conspiracy exists in the Legislature of Pennsylvania to subvert legislation and that cash had been put on the "barrel-head" by vicious and powerful interests to promote the introduction and passage of House Bill No. 690.

After a careful consideration of the information submitted by Senator Cavalcante, stated by him on the floor

of the Senate to be the full and complete information upon which he predicated his remarks of June 4, 1941, the Committee respectfully reports to its respective Bodies that, in its opinion, the information fails to establish a prima facie case of criminal conspiracy in the Legislature or improper conduct on the part of Legislators and that there is no evidence submitted to justify or to warrant any further investigation on the part of the Committee.

Your Committee is of the opinion, further, that the charges of Senator Cavalcante were made without reasonable or probable cause and without a proper regard for the rights and integrity of the persons involved. Your Committee deplores the fact that any member of the General Assembly, under the guise of a doubtful constitutional immunity, should so far transgress the ordinary rules of parliamentary propriety and the concepts of proper ethics.

Wherefore, your Committee in making this, its final report, does so with the feeling that the Senate, by appropriate action, cause to be expunged from the Record all of the remarks made by Senator Cavalcante, on June 4th, June 9th, and June 16th, 1941, touching the premises.

Respectfully submitted

GEORGE B. STEVENSON

Chairman

CARLETON T. WOODRING

Co-Chairman

LEO C. MUNDY

WM. E. HABBYSBAY

ARTHUR P. BRETHERICK

THOMAS A. OWENS

REUBEN A. NAGEL

FREDK. L. HOMSHER

CLARENCE D. BECKER

JOHN H. DENT

Committee

REPORT OF COMMITTEE ACCEPTED

Mr. GELTZ. I feel certain, Mr. President, it is the feeling of the members of this body that the Joint Legislative Committee conducted itself with restraint and impartiality. I think the committee has done a very excellent job and I therefore move the report of the committee be accepted.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. CAVALCANTE. I rise on a point of order, Mr. President.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. This report, Mr. President, is predicated on a Concurrent House Resolution printed in the History of Senate Bills, House Bills and Resolutions in the Senate at page 300; the resolution is a concurrent resolution, which calls for the concurrence of the Senate, appointing the committee that has made this report. In addition to that resolve the resolution also contains the following resolve:

"That the said Committee shall have power to issue subpoenas under the hand and seal of its chairman

requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records, or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases."

I now read for the President, Article 3, Section 26 of the Constitution, at page 37 of the Pennsylvania Manual, at the top of the page, the left-hand column, which reads as follows:

"Section 26. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be re-passed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill."

Now, Mr. President, I have permitted the report to be read and it is now on the record, but I make the point of order that the report is not in order, because the resolution does not comply with the section of the Constitution that I have just read.

Mr. GELTZ. It is my feeling, Mr. President, the point of order raised by the gentleman from Fayette, Senator Cavalcante, comes with ill grace, since all during this investigation and the continuation of the activities of this committee, he has endeavored to work with them and they have endeavored to cooperate with him. It seems to me, after the gentleman has taken advantage of all the opportunities which the committee has permitted and which the Senate has allowed, insofar as his remarks on the Senate floor are concerned, that now he rises with ill grace to raise any question about the authority of this committee.

Mr. CAVALCANTE. Mr. President, I have not, up to this time, from the floor of this Senate, questioned the grace of my colleagues who, in my absence, introduced the resolution and adopted it. I do not now question their grace in that, but I can not stand by and allow the gentleman from Allegheny to question my grace in this matter, when I did not question their grace.

Now, I am standing on what I believe to be my rights. A point of order may be raised at any time while any action is pending on this resolution, and I am now standing on the point of order this resolution gives the power to subpoena and gives the power to punish according to the laws of this Commonwealth; this is legislation that requires the approval of the Governor, as indicated in the section of the Constitution that I have just read.

The PRESIDENT. The Chair was under the impression that the committee had been appointed under a Senate resolution, but it is quite apparent that the committee was appointed under the Achterman House resolution. Of course, being a House resolution, the question of obtaining

the signature of the Governor would be up to the House and not the Senate.

The Chair recognizes the gentleman from Somerset, Mr. Ealy.

Mr. EALY. Mr. President, I merely want to submit the point of order of the gentleman from Fayette can not be well taken at this time, because it has been raised too late.

This committee has acted, and, as the Senator from Allegheny says, after a trial or hearing, the person affected can not then, after having agreed or having raised no objection until the report is submitted, complain that the committee acted without jurisdiction.

I feel sure, Mr. President, the point of order of the gentleman from Fayette is not well taken.

Mr. CAVALCANTE. In answer to that, Mr. President, I point to decisions of this Senate stating that a point of order is in order at any time during any action pending on a matter in question.

Mr. THOMAS B. WILSON. Mr. President, the gentleman, the Senator from Fayette, is estopped and would be estopped in any proceeding, to stand on this floor and object to the legality of this proceeding, because on this floor he has stated that he would be glad to act with the committee and cooperate with them and do whatever he could to further the ends of this resolution, and he is now not only in bad taste and bad standing but he is estopped from standing on this floor and raising a question as to the standing of this committee, when he has said on this floor he would act with the committee and help to carry out the purposes of the committee.

Mr. CAVALCANTE. Mr. President, I trust that my colleagues believe that I am talking in all kindness in this matter. I did make the statements attributed to me by the gentleman from McKean, but I assure him sincerely and honestly that up to this time, after my last remarks were made on last Monday, that I have not been asked by the committee to cooperate or give them any advice, but I still stand on my remarks and when asked to cooperate or give advice I am still ready.

I honestly believe that the matters charged by me were not matters properly to be investigated by a committee so imposed. I stated in my remarks, and I state again, I think it is a matter that ought to be investigated by the other departments of our government which are constitutionally created for the purpose of investigating many of the matters that I stated.

I honestly believe that some department of this government that has the power ought to investigate, to see how much money was collected by the Pennsylvania Motor Truck Association to promote and sponsor, as they say in the circular that I produced as evidence and which was spread on the record on the floor of this Senate, but I question, in fairness to the committee and very cautious of their integrity, I think that the committee does not have the power to investigate the matters that I have indicated, what those matters require the power of visitation by the Commonwealth of Pennsylvania, the Department of Justice and the Courts of this Commonwealth, and I trust that my remarks will not be misconstrued, and I think I am not making a misstatement when I say that the committee has not, since last Monday when I made my final remarks, asked me to appear before them or to collaborate with them or do anything with them.

Mr. THOMAS B. WILSON. Mr. President, I still say that the Senator from Fayette is estopped from now ris-

ing on any question as to the legality of this committee, due to the fact that he has not only agreed to cooperate with it but he has repeatedly spoken on the floor of this Senate in regard to it.

There is another question involved here, and that is the right of the Senate and the House of Representatives to investigate its members. This resolution is competent and legal, under that provision of the Constitution which allows us to investigate our members, and we do not have to have the signature of the Governor and we do not have to have the concurrence of the House to do it and the House and the Senate together may investigate, or the House alone, or the Senate alone, and the resolution is perfectly proper under our right to investigate our members.

(The Senate was at ease.)

The PRESIDENT. The Chair requests the reporter to read the point of order raised by the gentleman from Fayette.

(The reporter repeated as follows:

Mr. CAVALCANTE. A point of order may be raised at any time while any action is pending on this resolution, and I am now standing on the point of order this resolution gives the power to subpoena and gives the power * * *)

Mr. CAVALCANTE. Mr. President, the point of order has not all been read. I also stated another point upon which I base the point of order, which is that the resolution also gives the power to punish.

The PRESIDENT. In order that there may be no misunderstanding the reporter will again read the point of order.

(The reporter repeated as follows:

"Mr. CAVALCANTE. Now, I am standing on what I believe to be my rights. A point of order may be raised at any time while any action is pending on this resolution and I am now standing on the point of order this resolution gives the power to subpoena and gives the power to punish according to the laws of this Commonwealth; this is legislation that requires the approval of the Governor, as indicated in the section of the Constitution that I have just read.")

The PRESIDENT. The Chair rules that the point of order of the gentleman from Fayette is not well taken. Section 26, Article 4 of the Constitution, appearing on page 37 of the Pennsylvania Manual, reads as follows:

"Section 26. Every order, resolution, or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be re-passed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill."

This was a concurrent resolution—which originated in the House and which came to the Senate and the Senate concurred; apparently, from what the Chair can learn, it did not receive the signature of the Governor, no effort being made to obtain the signature of the Governor.

The Chair can only construe this to mean that the House and Senate—the only two bodies that can determine, not the Chair or anyone else, whether it was necessary to have the approval of the Governor—they determined that it

was not—and the President Pro Tempore of the Senate appointed members on the part of the Senate, and the Speaker of the House appointed members on the part of the House and this committee started to function. The allegations made by the Senator from Fayette, the only remarks the Chair can recall the Senator from Fayette made, were before this body; therefore the Chair as stated before, must rule the point of order is not well taken, as the House and Senate have by their action determined it was not necessary to obtain the signature of the Governor.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise on an additional point of order.

The PRESIDENT. The gentleman from Fayette will state the point of order.

Mr. CAVALCANTE. Mr. President, five legislative days having elapsed since I made my remarks, and the Journal having been approved more than five legislative days ago, the remarks can not be expunged.

The PRESIDENT. The question is not before the Senate and the Chair must so rule.

The question is now on adoption or non-adoption of the report submitted by the committee and which was read to the Senate.

Are there any further remarks?

And the question recurring,

Will the Senate agree to the motion?

(During the calling of the roll the following occurred.)

Mr. DENT. Mr. President, I wish to be recorded as voting "present."

The PRESIDENT. The gentleman from Westmoreland will be so recorded.

Mr. HALUSKA. Mr. President, I wish to be recorded as voting "present."

The PRESIDENT. The gentleman from Cambria will be so recorded.

Mr. HOMSHER. Mr. President, I wish to be recorded as voting "present."

The PRESIDENT. The gentleman from Lancaster will be so recorded.

Mr. MALLERY. Mr. President, I wish to be recorded as voting "present."

The PRESIDENT. The gentleman from Blair will be so recorded.

Mr. STEVENSON. Mr. President, I wish to be recorded as voting "present."

The PRESIDENT. The gentleman from Clinton will be so recorded.

Mr. BECKER. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. The gentleman from Lebanon will be so recorded.

Mr. WATKINS. May I inquire how the gentleman from Philadelphia, Mr. Shapiro, voted.

Mr. SHAPIRO. I voted "aye" Mr. President.

Mr. WATKINS. Mr. President, how did the gentleman from Allegheny, Mr. Frey, vote?

The PRESIDENT. The gentleman from Allegheny, Mr. Frey, is not present.

The yeas and nays were required by Mr. GELTZ and were as follows, viz:

YEAS—33

Bartlett,
Carr,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deltrick,

Ealy.
Edmonds,
Farrell,
Geltz,
Heyburn,
James,
Jaspan,
Kephart,

Lanius,
Letzler,
McCreesh,
McQuiddy,
Miller,
Ruth,
Shapiro,
Snowden,

Stiefel,
Tallman,
Taylor,
Thomas,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,

NAYS—0

PRESENT—7

Becker,
Cavalcante,

Dent
Haluska,

Homshe,
Mallery,

Stevenson,

So the question was determined in the affirmative.

The PRESIDENT. The motion prevails and the report is accepted.

Mr. GELTZ. Mr. President, I feel that the Senate has treated our colleague, Senator Cavalcante, with every courtesy during this matter. Unfortunately, in the remarks which were made there were named two of our colleagues and, as the committee has reported, nothing was given to them to substantiate in any manner whatsoever the charges or references made, and I feel that if we did not follow the suggestion of the committee in connection with the motion to expunge the remarks from the record, that we would not be acting towards our other two colleagues with the same manner of fairness.

MOTION THAT REMARKS OF THE SENATOR FROM FAYETTE BE EXPUNGED FROM THE RECORD

Mr. GELTZ. Therefore, Mr. President, I move that there be expunged from the record, in accordance with the report of the committee, all of the remarks made by Senator Cavalcante touching or concerning this matter.

Mr. JAMES. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. Mr. President, five legislative days having elapsed since the remarks were made, and the Journal approved, a motion to strike from the record is not in order.

The PRESIDENT. Does the Senator from Fayette have any authority to support the point of order?

Mr. SHAPIRO. Mr. President, that is Rule 16, which relates to bills.

The PRESIDENT. The Chair fails to find any authority to support the point of order raised by the gentleman from Fayette, and therefore rules the point of order is not well taken.

The question now before the Senate is on the motion of the gentleman from Allegheny, Mr. Geltz, seconded by the gentleman from Bucks, Mr. James, that the remarks of the Senator from Fayette be expunged from the Journal.

MOTION AMENDED

Mr. GELTZ. Mr. President, I wish to amend my motion

by adding to the motion "and remarks of other members of the Senate," the remarks of Senator Cavalcante and the remarks of other members of the Senate.

The PRESIDENT. For the benefit of the Senators will the gentleman from Allegheny repeat the amendment he proposes to his motion?

Mr. GELTZ. Mr. President, I desire to amend the motion to include the remarks of the Senator from Fayette, Mr. Cavalcante, and the remarks of the other Senators.

Mr. JAMES. I second the motion, Mr. President.

POINT OF INFORMATION

Mr. DENT. I rise on a point of information, Mr. President.

The PRESIDENT. The gentleman from Westmoreland will proceed.

Mr. DENT. Mr. President, does the motion of the gentleman from Allegheny include the remarks of the gentleman from Washington, Mr. Reed?

The PRESIDENT. The Chair would not think so. Those remarks were made prior to the remarks of the gentleman from Fayette.

Mr. DENT. Mr. President, the remarks of the gentleman from Washington, Mr. Reed, I think, if analyzed—

Mr. GELTZ. Mr. President, the gentleman from Washington, Mr. Reed, made no remarks, as I recall, in connection with this matter. The gentleman from Washington, Mr. Reed, did debate the bill, but not this matter.

POINT OF INFORMATION

Mr. WALKER. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Allegheny, Mr. Walker, will proceed.

Mr. WALKER. Mr. President, under the motion just made by my distinguished colleague from Allegheny, to whose discretion will be left the striking from the record of the remarks—the reporters?—or will there be a sub-rosa committee appointed to hunt them out?

The PRESIDENT. The Chair believes he can clear the situation. This is a serious matter and the Chair would suggest to the gentleman from Allegheny, Mr. Geltz, that he withdraw the motion and the Chair also would suggest to the seconder that he withdraw the seconding of the motion, and the Chair further suggests that the motion be reduced to writing, in order that there be no mistake.

Mr. SHAPIRO. Mr. President, on the amended motion I should like to suggest I do not think it is quite the proper thing to do, in the absence of the gentleman from Luzerne, Mr. Mundy, to make a motion to expunge his remarks from the record, coupled with the report of the committee which criticizes certain remarks which were made.

I have no doubt the gentleman from Allegheny, Senator Geltz, had no intention and does not want it understood there was any reflection on the other gentleman, but due to the generality of the amendment to the motion, I think it is rather unhappy this thing should be done at this time. It strikes me the proper way of doing it would be first to carry out the recommendation of the committee and then, if necessary subsequently, with the consent of those gentlemen, or on a motion by those gentlemen them-

selves, have the remarks expunged. I think that might be—and I offer it as a suggestion—the better way of handling it, but at this time, in the absence of the gentleman from Luzerne, Dr. Mundy, I do not think we, the Senators, should adopt such a motion, because there was no reflection on either of those gentlemen and no question raised about the remarks they made.

We must all understand in moving to expunge remarks it carries with it an implication which is not warranted in my opinion against the gentleman from Luzerne, Dr. Mundy, and the other gentlemen who spoke.

MOTION REAMENDED

Mr. GELTZ. Mr. President, I am perfectly willing to withdraw my amendment to the motion and stand on the original motion.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, did the gentleman from Allegheny include the expunging the remarks that were made in my absence on this matter?

Mr. GELTZ. Mr. President, as the motion now stands it includes only the remarks made by the gentleman from Fayette, Senator Cavalcante.

And the question recurring,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Roll call, Mr. President.

(During the calling of the roll the following occurred:)

Mr. CAVALCANTE. Mr. President, I wish to be recorded as voting "present."

The PRESIDENT. The vote of the gentleman from Fayette will be so recorded.

Mr. WALKER. Mr. President, before announcement of the tally is reported by the Chair I would like to explain why I voted in the negative on this motion.

The PRESIDENT. The gentleman from Allegheny will proceed.

Mr. WALKER. Mr. President, I have refrained from discussing this incident entirely, due to the very delicate position in which I find myself as a result of the statements made by the gentleman from Fayette, but I do not think it is fair to expunge from the record, if at all, the statements made by the gentleman from Fayette unless the supporting data, or the remarks made by other members of the Senate, are also expunged from the record.

I think we should be fair to the gentleman from Fayette in this instance. I think this motion would perhaps have been more effective if it could have been made after the gentlemen who also discussed this incident were present in the Senate. If we are to expunge remarks from the record and pretend this never happened, then we ought to do it in toto and not leave fragments on the record so that they may perhaps embarrass the Senate at some future time, and therefore I express my unwillingness to go along with this present motion.

Mr. WATKINS. Mr. President, I would like to explain my vote on this motion.

The PRESIDENT. The gentleman from Schuylkill will proceed.

Mr. WATKINS. Mr. President, during the time I have been here I have heard statements made on both sides of

the House that carried implications which were never proved. I do not think it is fair in this case to expunge the remarks of the Senator from Fayette from the record, and therefore I would have voted against the motion even if the matter referred to by the gentleman from Allegheny, Mr. Walker, were added to it.

Mr. MALLERY. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDENT. The vote of the gentleman from Blair will be so recorded.

Mr. DENT. Mr. President, because of my remarks pertaining to the subject of the trucking bill, I believe it would be fair for me to be recorded as voting "present" in the matter of expunging from the record; so therefore I desire to change my vote from "aye" to "present."

The PRESIDENT. The vote of the gentleman from Westmoreland will be so recorded.

Mr. JASPAN. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. The gentleman from Philadelphia will be so recorded.

Mr. CROWE. Mr. President, I wish to be recorded as voting "aye."

The PRESIDENT. The gentleman from Monroe will be so recorded.

Mr. WATKINS. Mr. President, I desire to inquire how the gentleman from Philadelphia, Mr. Shapiro, voted?

Mr. SHAPIRO. Mr. President, I voted, in a clear and distinct voice, "aye."

Mr. WATKINS. I just wanted to be sure, Mr. President.

POINT OF INFORMATION

Mr. MALLERY. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Blair will proceed.

Mr. MALLERY. Mr. President, as a matter of information, is the motion of the gentleman from Allegheny, Mr. Geltz, to expunge everything that has been said, or merely the matters pertaining to the remarks of the gentleman from Fayette; it is not clear to me.

The PRESIDENT. The Chair understands the motion only refers to the remarks of the Senator from Fayette, Mr. Cavalcante.

Mr. MALLERY. Mr. President, when I voted, "aye," I thought the motion was to expunge everything; if that had been the case I would have voted "aye." As I now understand it, the motion simply refers to the remarks of the gentleman from Fayette and I desire to change my vote to "no."

The PRESIDENT. The vote of the gentleman from Blair will be so recorded.

Mr. WALKER. Mr. President, as I interpret the answer of the Chair to the inquiry of the gentleman from Blair, the remarks made by the gentleman from Fayette, on successive days, with regard to the incident that is before us in this report of the committee, are to be expunged from the record; as I understand it, all the remarks made by the gentleman from Fayette on two or three successive days; is that correct?

The PRESIDENT. That is the way the Chair understands. Perhaps it would be well if the gentleman from Allegheny, Mr. Geltz, would explain just what is the intent of his motion.

Mr. WALKER. Mr. President, at this time I think an explanation of the motion, after the roll has been called, would be rather embarrassing and I am reluctant to ask for it, but due to the explanation just given by the Chair to the gentleman from Blair, as I interpret the motion, it was to expunge from the record all the remarks made by the gentleman from Fayette on three different days in which this incident was before the Senate, and I wonder if that was the explanation given by the Chair to the gentleman from Blair.

The PRESIDENT. In order that the Senators may vote intelligently and correctly, and that there may be no misunderstanding, the Chair directs the reporter to repeat the motion made by the gentleman from Allegheny, Mr. Geltz.

(The reporter repeated the motion as follows:

"Mr. GELTZ. Therefore, Mr. President, I move that there be expunged from the record, in accordance with the report of the committee, all of the remarks made by Senator Cavalcante touching or concerning this matter.")

Mr. GELTZ. Mr. President, I might suggest the motion refers to the suggestion of the committee's report, which included the dates of June 4th, June 9th and June 16th.

The PRESIDENT. Is the motion clear to all the Senators?

The Chair asks that the roll be verified. The Clerk will call the names of those recorded as voting in the affirmative.

The Clerk called the names of the following Senators as having voted in the affirmative:

Bartlett,	Ealy,	Lanlus,	Stevenson,
Becker,	Edmonds,	Letzler,	Stiefel,
Carr,	Farrell,	McCreesh,	Tallman,
Chapman,	Geltz,	McQuiddy,	Taylor,
Coleman,	Haluska,	Miller,	Thomas,
Cox,	Heyburn,	Ruth,	Tyler,
Crider,	Homsher,	Scarlett,	Wade,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deltrick,	Kephart,	Snowden,	Wilson, T. B.,

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative votes stands as verified.

The Clerk read the names of those recorded as voting in the negative as follows:

Jaspan,	Mallery,	Walker,	Watkins,
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The PRESIDENT. Are there any corrections? The Chair hears none. The negative vote stands as verified.

The Clerk read the names of those voting "present" as follows:

Cavalcante,	Dent,
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The PRESIDENT. Are there any corrections? The Chair hears none. The vote stands as verified.

The yeas and nays were required by Mr. GELTZ and were as follows, viz:

YEAS—36

Bartlett,	Ealy,	Lanlus,	Stevenson,
Becker,	Edmonds,	Letzler,	Stiefel,
Carr,	Farrell,	McCreesh,	Tallman,
Chapman,	Geltz,	McQuiddy,	Taylor,
Coleman,	Haluska,	Miller,	Thomas,
Cox,	Heyburn,	Ruth,	Tyler,
Crider,	Homsher,	Scarlett,	Wade,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deltrick,	Kephart,	Snowden,	Wilson, T. B.,

NAYS—4

Jaspan, Mallery, Walker, Watkins,

PRESENT—2

Cavalcante, Dent,

So the question was determined in the affirmative.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES, from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth.

APPOINTMENT AS CORONER IN BUTLER COUNTY

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 10, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. Charles Dengler, 137 West Jefferson Street, Butler, Butler County, for appointment as Coroner in and for the County of Butler, until the first Monday of January, 1942, vice Dr. M. E. Headland, deceased.

ARTHUR H. JAMES

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. EDMONDS,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. EDMONDS,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Ruth,	Wade,
Cox,	Homsher,	Scarlett,	Walker,
Crider,	James,	Shapiro,	Watkins,
Crowe,	Jaspan,	Snowden,	Wilson, H. I.,
Deitrick,	Kephart,	Stevenson,	Wilson, T. B.,
Dent,	Lanlus,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.
Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE. Mr. President, I now read at length and present to the Chair Senate Bill No. 1254, as follows:

An Act concerning bribery and corrupt solicitation of members of the General Assembly and prescribing penalties therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any company corporation association combination of person having an interest direct or indirect in any legislation or matter pending before a General Assembly of this Commonwealth who shall give offer or furnish to a member or members of such General Assembly any entertainment feast or enjoyment with the purpose expressed or implied or directly or indirectly influence the action of such member or members on such pending legislation or matter shall be guilty of corrupt solicitation and upon conviction thereof shall be subject to a fine not exceeding ten thousand (\$10,000) dollars and imprisonment not exceeding five (5) years or either or both in the discretion of the Court imposing the same

Section 2 Any member of the General Assembly who shall receive any entertainment feast or enjoyment knowing expressly or impliedly that the same is given offered or furnished by a company corporation association combination or person who has an interest direct or indirect in legislation or matter pending before the General Assembly and that such entertainment feast or enjoyment is given offered or furnished for the purpose expressed or implied to unlawfully influencing the action of such member shall be guilty of bribery and upon conviction shall be subject to a fine not exceeding ten thousand (\$10,000) dollars and imprisonment not exceeding five (5) years or either or both in the discretion of the Court

Section 3 The provision of this act shall become effective immediately upon its final enactment

Which was committed to the Committee on Judiciary General.

He also read at length in his place and presented to the Chair Senate Bill No. 1255, as follows:

An Act concerning the caucusing by members of the General Assembly making certain caucusing unlawful and prescribing penalties therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definition The word "caucusing" as used in this act shall mean the intentional gathering or meeting of two or more members of the General Assembly for the purpose of exchanging counsels and formulating action upon legislation or matter pending or that may come before the General Assembly

Section 2 All caucusing by members of the General Assembly shall be held in the spaces rooms or halls set aside for such purpose in the Capitol Building at the seat of government of the Commonwealth of Pennsylvania

Section 3 The caucusing of members of the General Assembly at any other place than the one mentioned in Section 2 of this act shall be unlawful and any member of the General Assembly knowingly participating in any

such caucusing shall be deemed guilty of a misdemeanor in office and upon conviction therefor shall be subject to the penalties prescribed by the Constitution and laws of this Commonwealth for such offense.

Section 4 The provisions of this act shall become effective immediately upon its final enactment.

Which was committed to the Committee on Judiciary General.

Mr. GELTZ. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. read in place and presented to the Chair Senate Bill No. 1256, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain plots of land.

Which was committed to the Committee on Highways.

Mr. WALKER. Mr. President, I imagine from the way we are proceeding, we will probably be giving each other Christmas presents before this session is adjourned sine die.

The PRESIDENT. The gentleman is optimistic. How long does the gentleman from Allegheny think we will be in session?

Mr. WALKER. Mr. President, I am the author of one resolution that is languishing in the Committee of Rules trying to get us out of here by May 23rd. We should amend my motion and have it read May 23, 1942.

Mr. President, I read in place and present to the Chair three bills, and I blush when I say this but they pertain to national defense, and I respectfully suggest to the Chair that they be referred to the Committee on Military Affairs.

Mr. WALKER. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER read in place and presented to the Chair Senate Bill No. 1257, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1016), entitled "An act relating to aeronautics; providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth; providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth; conferring powers and duties on the Department of Revenue with respect thereto; and repealing certain acts and parts of acts," by extending the powers of the department in relation to air transport facilities.

Which was committed to the Committee on Military Affairs.

He also read in his place and presented to the Chair Senate Bill No. 1258, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Property and Supplies to assist in the development of aeronautics.

Which was committed to the Committee on Military Affairs.

He also read in his place and presented to the Chair Senate Bill No. 1259, entitled:

An Act to amend article twenty of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards, and commissions shall be determined," by authorizing the Department of Highways to construct, repair and maintain certain facilities of airports.

Which was committed to the Committee on Military Affairs.

Mr. MALLERY. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY read in place and presented to the Chair Senate Bill No. 1260, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing a certain route.

Which was committed to the Committee on Highways.

Mr. MALLERY. This is also a defense measure, Mr. President.

PERMISSION TO ADDRESS SENATE

Mr. HALUSKA. Mr. President, I desire to make a brief statement.

The PRESIDENT. The gentleman from Cambria will proceed.

Mr. HALUSKA. Mr. President, yesterday afternoon there was considerable discussion concerning Senate Bill No. 522. The action taken by the gentleman from Allegheny, Mr. Geltz, resulted in the fact that I requested that every bill be read at length until such time that the majority in the Senate would recede from their action in postponing Senate Bill No. 522.

I was told yesterday that I had been very discourteous and that I have antagonized a number of my colleagues

by my actions. I might answer that, Mr. President, by saying when we enter a house of God we will find inscribed upon the walls the following words: "As ye sow, so shall ye reap."

If I have been discourteous certainly it was only because someone was discourteous to me.

Mr. President, I have no intention of receding from my position. I listened to the remarks of the gentleman from Allegheny, Mr. Geltz, and he informed me that the reason my bill was postponed was that he was trying to obtain more votes for it. Of course, he might tell someone that, but I have been here too long to listen to such foolish and silly stories. However, he might be sincere in that, and I do not want it to be said that I will be responsible for holding up important matters that might come up before this body, although we have been dilly-dallying for months, but the day must come when we must settle down to hard work if we are going to adjourn this year, but I certainly will not stand idly by and see any of my bills that are once out of committee placed upon the postponed Calendar to die when we adjourn sine die.

I am trusting that the gentleman from Allegheny is sincere when he said he has intentions of calling my bill up and I want to be courteous to him and to my many, many friends on both sides of this house.

I would like to say in conclusion, Mr. President, so that I may recede graciously from my position, that I should like to interrogate the gentleman from Allegheny, Mr. Geltz, to ask him several questions.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will be very glad to be interrogated, Mr. President.

Mr. HALUSKA. Mr. President, does the gentleman from Allegheny still feel that the mere fact that my bill was placed on the postponed Calendar may bring it more votes.

Mr. GELTZ. I do not know now, Mr. President. I feel that the activities of my colleague on the floor of the Senate yesterday just lost possibly eight or ten votes for the bill.

Mr. HALUSKA. Mr. President, then it makes no difference to the gentleman from Allegheny if I continue with my request to have every bill read at length; is that correct?

Mr. GELTZ. It makes no difference to me, Mr. President. I have nothing else to do. I have set all other matters aside pending the ending of this session.

SENATE BILL NO. 522 ON THIRD READING POSTPONED, CALLED UP

Mr. HALUSKA. Mr. President, I now call up Senate Bill No. 522 on third reading postponed, page 11 of the Calendar.

Mr. DENT. Mr. President, I second the motion. The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,
The Senate proceeded to the third reading and consideration of Senate Bill No. 522, entitled:

An Act to further amend the act, approved the third day of May, one thousand nine hundred thirty-three (P. L. 242), entitled "An act to promote the public health

and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by eliminating apprentices, and setting-up classification of junior operators; further regulating operators, junior operators and beauty parlors; setting-up new period for expiration of certificates issued by board permitting beauty culture schools in certain cases to charge for materials used in giving treatments to the public and imposing penalties.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,
Will the Senate agree to the bill?

(During the calling of the roll the following occurred.)

Mr. WALKER. Mr. President, I desire to know how the gentleman from Mercer, Senator Thomas, voted.

The PRESIDENT. The record shows the gentleman from Mercer voted "aye."

Mr. HALUSKA. Mr. President, I ask that the roll be verified.

The PRESIDENT. The roll will be so verified. The Clerk will call the names of those voting in the affirmative.

The affirmative votes were as follows:

Cavalcante,	Haluska,	Letzler,	Snowden,
Cox,	Jaspan,	Mallery,	Thomas,
Dent,	Kephart,	McQuiddy,	Wade,
Farrell,	Lanius,	Ruth,	

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative roll will stand as verified.

The Clerk will call the names of those voting in the negative.

The negative votes were as follows:

Bartlett,	Crowe,	Homsher,	Stevenson,
Becker,	Deltrick,	James,	Tallman,
Carr,	Ealy,	McCreesh,	Walker,
Chapman,	Edmonds,	Miller,	Watkins,
Coleman,	Geltz,	Shapiro,	Wilson, H. I.,
Crider,	Heyburn,		

The PRESIDENT. Are there any corrections? The Chair hears none.

The negative roll will stand as verified.

The yeas 15; the nays 22.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—15

Cavalcante,	Haluska,	Letzler,	Snowden,
Cox,	Jaspan,	Mallery,	Thomas,
Dent,	Kephart,	McQuiddy,	Wade,
Farrell,	Lanius,	Ruth,	

NAYS—22

Bartlett,	Crowe,	Homsher,	Stevenson,
Becker,	Deltrick,	James,	Tallman,
Carr,	Ealy,	McCreesh,	Walker,
Chapman,	Edmonds,	Miller,	Watkins,
Coleman,	Geltz,	Shapiro,	Wilson, H. I.,
Crider,	Heyburn,		

Less than a constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

SENATE BILL NO. 911 CALLED UP ON THIRD READING

Mr. COLEMAN. Mr. President, I now call up Senate Bill No. 911 on third reading, page 6 of the Calendar.

Mr. SHAPIRO. Mr. President, I second the motion. The motion was agreed to.

Mr. COLEMAN. Mr. President, in explanation of my motion, I should like to state I have a reservation on the 5:18 plane to go to New York to see the fight, and through the courtesy of the Majority Floor Leader he has permitted me to offer these amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 911, entitled:

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. COLEMAN. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Section 1, page 15, line 13, by striking out after the word "sixteenth" the word; "[and];" Amend Section 1, page 15, line 14, by inserting after the word "twenty-first" and before the word "wards" the words; "and twenty-third;" Amend Section 1, page 15, line 25, by inserting after the word "Carbondale" and before the word "Fell" the word: "and;" Amend Section 1, page 15, line 25, by striking out after the word "Fell" and before the word "shall" the words: "[Greenfield and Scott];" Amend Section 1, page 16, line 2, by striking out after the word "Brook" and before the word "West" the word: "[and];" Amend Section 1, page 16, line 3, by inserting after the word "Abington" and before the word "shall" the words: "Greenfield and Scott."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

Mr. COLEMAN. Mr. President, may I say rather hastily—I do not want to talk myself out of this plane ride, but in this bill is included the twenty-third ward in the City of Scranton, which was created since the last reapportionment bill passed the General Assembly. Obviously had the twenty-third ward been excluded from the provisions of the bill it would have rendered it unconstitutional and therefore I have asked my colleagues to support the amendments.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 80

Mr. GELTZ. Mr. President, I move that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (if the House shall appoint such a committee) to consider the differences existing between the two houses in relation to Senate Bill No. 80.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

The PRESIDENT. The President Pro Tempore, appoints Messrs. Heyburn, Henry I. Wilson and Coleman, to be said committee on the part of the Senate, and instructs that the Clerk inform the House of Representatives accordingly.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ON SENATE BILL NO. 469, (HOUSE BILL NO. 364)

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the consideration of the Report of the Committee on Conference on Senate Bill No. 469 (House Bill No. 364).

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 364

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 364, entitled:

"An Act to amend the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566) entitled 'A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736), entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents amplifying the provisions thereof as to persons entitled to such payments."

Respectfully submit the following bill as our report:

HENRY I. WILSON

WELDON B. HEYBURN

JOHN H. DENT

(Committee on the Part of the Senate.)

THOMAS J. HEATHERINGTON

J. P. MORGAN

DAVID P. REESE, JR.

(Committee on the Part of the House of Representatives.)

An Act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure

for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amplifying the provisions thereof as to persons entitled to such payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" is hereby amended to read as follows

Section 1 In addition to those persons included within the definition of the word "employee" as defined in section one hundred and four of the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as last reenacted and amended at the regular legislative session of one thousand nine hundred and thirty-nine there shall be included all members of volunteer fire companies or volunteer fire departments of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employees" of such cities boroughs incorporated towns townships for all the purposes of said act and shall be entitled to receive compensation in case of injuries received while actually engaged as firemen or while going to or returning from any fire which the fire companies or fire department of which they are members shall have attended or while performing any other duties of such companies or fire department authorized by such cities boroughs incorporated towns and townships

Section 2 This act shall become effective ten days after final enactment

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. Mr. President, my point of order is that the report of the Conference Committee does not state the differences committed to them and the action that they took on those differences; secondly, the report does not show in what particular they changed or amended the bill submitted to them; thirdly, the bill violates Rule No. 33 of the House.

The PRESIDENT. Rule No. 33 of the House?

Mr. CAVALCANTE. Yes, Mr. President.

The PRESIDENT. That has no bearing in this body.

Mr. CAVALCANTE. This is a joint conference committee report Mr. President.

The PRESIDENT. The only rules that govern the Senate are Senate rules or joint Senate and House rules.

The point of order of the gentleman from Fayette is not well taken.

And the question recurring,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Dent,	Kephart,	Stevenson,
Becker,	Ealy,	Lanius,	Stiefel,
Carr,	Edmonds,	Letzler,	Talman,
Cavalcante,	Farrell,	Mallery,	Thomas,
Chapman,	Geltz,	McCreesh,	Tyler,
Coleman,	Haluska,	McQuiddy,	Wade,
Cox,	Heyburn,	Miller,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deltrick,	Jaspan,	Snowden,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 701 (HOUSE BILL NO. 404) RE-REFERRED TO THE COMMITTEE OF CONFERENCE

Mr. WALKER. Mr. President, I move that the Conference Committee Report on Senate Bill No. 701, (House Bill No. 404), entitled:

An Act relating to marriage and amending, revising, consolidating and changing the law relating thereto, be re-referred to the Committee of Conference.

Mr. STIEFEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WALKER. Mr. President, I might explain to the members of the Senate the necessity for having this bill re-referred to the Conference Committee. There are a number of printer's errors in the bill, which will have to be corrected in the final report, and I understand it would be impossible to amend it unless it is re-referred, and for that reason I would request the Senate to sustain the motion to have the bill referred back to the Conference Committee.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. Mr. President, the Conference Committee is not in existence, as it was discharged when it made its report.

The PRESIDENT. If the gentleman from Fayette has any authority to sustain that view the Chair will sustain his point of order. Otherwise the Chair must state he has no knowledge that the committee has been discharged and therefore rules the point of order of the gentleman from Fayette is not well taken.

And the question recurring,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. The vote of the gentleman from Fayette will be so recorded.

The motion was agreed to.

PERMISSION TO ADDRESS THE SENATE

Mr. CAVALCANTE. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Philadelphia will proceed.

Mr. CAVALCANTE. Mr. President, with a desire to be helpful to the gentleman from Allegheny, Mr. Walker, and without any difference or indifference to the position of the Chair on the Conference Report on Senate Bill No. 701, (House Bill No. 404), I raised the point of order that the motion to refer the bill back to the Conference Committee was not in order. That bill, Mr. President, is a House bill and the Manual would indicate that before that bill can be re-referred to the Conference Committee it takes a joint resolution not a motion on the part of a Senator, for the reason we do not know what action the House has already taken on the report. Mr. President, I want merely to be helpful so that the procedure is kept straight and we do not get into any difficulties.

Mr. WALKER. Mr. President, I appreciate the very constructive suggestion made by the gentleman from Fayette. I might state to the Chair that this is the procedure that we followed in asking that the bill be re-referred to the Conference Committee, which came at the suggestion of the House. A similar procedure was followed over there before they adjourned today and the bill was re-referred in the House to their contribution to the Conference Committee and when the suggestion was made as to whether or not we were still in being or were automatically discharged by the presentation of the report, I was advised that the Conference Committee is in being until the conference report has been accepted by both the House and the Senate, that the Conference Committee is still in session or in being and we are not discharged when we merely present our report.

Mr. CAVALCANTE. Mr. President, I merely want to emphasize that there is no evidence on the record of this Senate that the House has taken any action and I am merely pointing out the procedure as I find it in the Manual, which shows that it would have to be done by merely presenting a concurrent resolution that if the House concur this bill be recommitted to the Conference Committee. It is immaterial to me. The record now shows the action that I wanted to be helpful in the matter.

The PRESIDENT. In view of the statement of the gentleman from Fayette, the Chair will add to its previous statement that the motion is to re-refer the report of the Conference Committee, and to request the concurrence of the House.

SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE BILL NO. 352

Mr. GELTZ. Mr. President, I move that the Senate concur in the amendments made by the House to Senate Bill No. 352.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS
RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 352, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fifth class; imposing certain charges on counties, and prescribing penalties.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Dent,	Kephart,	Stiefel,
Becker,	Ealy,	Lanlus,	Tailman,
Carr,	Edmonds,	Letzler,	Taylor,
Cavalcante,	Farrell,	Mallery,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	Homsher,	Shapiro,	Watkins,
Crowe,	James,	Snowden,	Wilson, H. I.,
Deltrick,	Jaspan,	Stevenson,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 652, (HOUSE BILL NO. 1098), ON
CONCURRENCE IN HOUSE AMENDMENT RE-
CALLED FROM THE GOVERNOR,
CALLED UP

Mr. GELTZ. Mr. President, at the request of Senator Cox, I now call up Senate Bill No. 652, (House Bill No. 1098) on concurrence in House amendments recalled from the Governor, postponed, on page 2 of the Calendar.

Mr. COX. Mr. President, I second the motion.

The motion was agreed to.

BILL ON NON-CONCURRENCE IN HOUSE AMEND-
MENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 652, (House Bill No. 1098), entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three (P. L. 1449), entitled "An act establishing a court of record in the County of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants; providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties," to further provide for the payment of and liability for the costs of maintenance of children under care of Juvenile Court by certain persons and by the city or county institution district

or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate non-concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Dent,	Kephart,	Stevenson,
Becker,	Ealy,	Lanlus,	Stiefel,
Carr,	Edmonds,	Letzler,	Tallman,
Cavalcante,	Farrell,	Mallery,	Taylor,
Chapman,	Geltz,	McCreesh,	Thomas,
Coleman,	Haluska,	McQuiddy,	Wade,
Cox,	Heyburn,	Miller,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deltrick,	Jaspan,	Snowden,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 694, (House Bill No. 1175), entitled:

An Act to amend section six hundred fifteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" excepting certain repairs to school buildings from requirement of approval by State Council of Education.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Dent,	Kephart,	Stevenson,
Becker,	Ealy,	Lanlus,	Stiefel,
Carr,	Edmonds,	Letzler,	Tallman,
Cavalcante,	Farrell,	Mallery,	Taylor,
Chapman,	Geltz,	McCreesh,	Thomas,
Coleman,	Haluska,	McQuiddy,	Wade,
Cox,	Heyburn,	Miller,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deltrick,	Jaspan,	Snowden,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 964, (House Bill No. 940), entitled:

An Act to amend section 1202 by adding clause L of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing certain boroughs to appropriate moneys for the support of hospitals

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, this is the bill to which I called attention yesterday and to which the Senator from Montgomery offered amendments. I suggested that he read those amendments because I did not think they helped the bill; in fact, they confused it. I hope the gentleman has read the bill because I have re-read it and I still suggest the bill is not clear.

Mr. EDMONDS. Mr. President, I desire to interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. Yes, Mr. President.

Mr. EDMONDS. In what respect, Mr. President, does the gentleman think the bill is not clear.

Mr. SHAPIRO. The bill begins as follows, and it does not seem to make sense: "Boroughs having a population of two thousands inhabitants and upwards to appropriate monies," and so on.

Mr. EDMONDS. Mr. President, as I understand that, it is the method of preparing the borough code in which you have a general provision in the beginning which applies to all of the sections. At the start it says they shall have authority to do thus and so, and this is a statement of just what they want to do.

Mr. SHAPIRO. Very well, Mr. President, if the gentleman is satisfied, I am. I do not understand that.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Bartlett,	Ealy,	Lanlus,	Stevenson,
Becker,	Edmonds,	Letzler,	Stiefel,
Carr,	Farrell,	Mallery,	Tallman,
Cavalcante,	Geltz,	McCreesh,	Taylor,
Chapman,	Haluska,	McQuiddy,	Tyler,
Coleman,	Heyburn,	Miller,	Wade,
Cox,	Homsher,	Ruth,	Walker,
Crider,	Jaspan,	Shapiro,	Watkins,
Crowe,	Kephart,	Snowden,	Wilson, T. B.,
Deltrick,			

NAYS—3

James,	Thomas,	Wilson, H. I.,
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A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILLS RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 309, (House Bill No. 312), on third reading, entitled:

An Act to amend clause (e) of section five of the act, approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employes, and furnishing suitable accommodations; and making an appropriation," by providing for furnishing artificial limbs to children over ten years of age

be recommitted to the Committee on Labor and Industry for the purpose of further study.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 313, on third reading, entitled:

An Act to amend section two of and to add section four to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," excepting officers and professional employes of school districts from certain provisions thereof, and saving their rights under the Public School Employes Retirement System, and to salary increments

be recommitted to the Committee on Education for the purpose of further amendment.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 489, as follows:

An Act authorizing the Department of Property and Supplies to acquire by gift from the Pennsylvania State College on behalf of the Commonwealth of Pennsylvania that certain tract of land in Northumberland Borough County of Northumberland upon which is located the home of Joseph Priestly and now the

property of the Pennsylvania State College providing for the control management and maintenance thereof by the said department and the Pennsylvania Historical Commission authorizing the Pennsylvania Historical Commission to accept in trust from the American Chemical Society and other interested societies or individuals such moneys as they may see fit to present to the Commonwealth to assist in the maintenance and development of this property as a permanent memorial authorizing the Pennsylvania Historical Commission to accept as gifts or loan such books manuscripts pamphlets relics and furniture as interested societies or individuals may provide for the permanent utilization of the property as a museum of science and making an appropriation

Whereas Joseph Priestly a great scientist and humanitarian was one of the most distinguished citizens of the Commonwealth of Pennsylvania and

Whereas His writings and experiments in the field of chemistry and electricity and particularly his discovery of oxygen contributed greatly to the scientific and industrial progress of Pennsylvania and the whole world and

Whereas His former home in the Borough of Northumberland is accordingly a shrine of international interest and

Whereas The Pennsylvania State College acquired this property in 1919 and has since maintained it and

Whereas The Pennsylvania State College has indicated a desire to transfer this shrine to the Commonwealth of Pennsylvania for preservation and maintenance as a permanent memorial therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies is hereby authorized to acquire by gift from the Pennsylvania State College on behalf of the Commonwealth of Pennsylvania that certain tract of land in Northumberland Borough County of Northumberland upon which is located the home of Joseph Priestly and now the property of the Pennsylvania State College The Pennsylvania State College may convey said property subject to the terms of any lease held on said property by any person at the time of such conveyance and the Secretary of Property and Supplies after said property is acquired shall have the power to rent to individuals firms or corporations such property or any part thereof upon such terms and conditions as he may prescribe with the approval of the Pennsylvania Historical Commission in writing

Section 2 The Pennsylvania Historical Commission after said property is acquired is hereby authorized to control manage and maintain said property in accordance with powers vested in it by law as a permanent memorial museum and historic shrine

Section 3 The Pennsylvania Historical Commission is hereby authorized to cooperate and consult with an advisory board consisting of five members appointed by the Governor for terms of three years and including representatives of the American Chemical Society concerning such plans as shall be considered for the development of the property as a memorial to science.

Section 4 The Pennsylvania Historical Commission is hereby authorized to accept in trust as provided by law from the American Chemical Society and other interested societies or individuals such moneys as they may see fit to present to the Commonwealth to assist in the maintenance and development of this property as a permanent Priestly memorial

Section 5 The Pennsylvania Historical Commission is hereby authorized to accept as gifts or loans as provided by law such books manuscripts pamphlets relics scientific apparatus or furniture as interested societies or individuals may provide for the permanent utilization and development of the property as a museum and library of the history of science as well as a memorial to Joseph Priestly

Section 6 The sum of one thousand dollars (\$1,000) or so much thereof as may be necessary is hereby speci-

fically appropriated to the Pennsylvania Historical Commission for the suitable maintenance and development of said property during the biennium Payment from such appropriation shall be made upon requisition in the manner provided by law

Section 7 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Elv,	Lanlus,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalieri,	Geltz,	McCreesh,	Thomas,
Chapman,	Haluska,	McQuiddy,	Tyler,
Coleman,	Heyburn,	Miller,	Wade,
Cox,	Homsher,	Ruth,	Walker,
Crider,	James,	Shapiro,	Watkins,
Crowe,	Jaspan,	Snowden,	Wilson, H. I.,
Deltrick,	Kephart,	Stevenson,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 532, (House Bill No. 550), on third reading, entitled:

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 9) entitled "An Act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoptions of compensation schedules and certification of payrolls, imposing duties upon certain officers and employees of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service, defining certain crimes and misdemeanors, imposing penalties, making an appropriation and repealing certain acts and parts thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of

April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 923, (House Bill No. 943), on third reading, entitled:

An Act to re-enact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing boards of county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 944, (House Bill No. 284), as follows:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of sixty three thousand five hundred dollars (\$63,500) or as much thereof as may be necessary is hereby specifically appropriated from the Motor License Fund to the Department of Property and Supplies for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for the payment of the salaries wages or other compensation of such bureau of division chiefs experts engineers accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers and other assistants and employees for the payment of postage traveling expenses telephone toll charges telegrams newspaper advertising and notices for the payment of the costs of advertising schedules of supplies proposals for executing any contract work readvertising any schedules or proposals when necessary for the purchase of office supplies

and equipment stationery printing printing supplies and printing processes for the purchase of all other materials supplies and equipment and for the payment of such other expenses as may be necessary for the proper conduct of the work of the Department in acting as purchasing agent for the Department of Highways

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Geltz,	McCreesh,	Thomas,
Chapman,	Haluska,	McQuiddy,	Tyler,
Coleman,	Heyburn,	Miller,	Wade,
Cox,	Homsner,	Ruth,	Walker,
Crider,	James,	Shapiro,	Watkins,
Crowe,	Jaspan,	Snowden,	Wilson, H. I.,
Deitrick,	Kephart,	Stevenson,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 979, (House Bill No. 1321), as follows:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital

Whereas By the act approved the thirteenth day of June one thousand nine hundred and thirty-one (Appropriation Acts page 77) certain moneys were appropriated to the Department of Property and Supplies for alterations and additions to the Harrisburg State Hospital at Harrisburg and

Whereas The appropriation thus made was subsequently lapsed although certain claims of contractors for such alterations and additions remained unsatisfied therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven hundred twenty-five dollars (\$725.00) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment of balances due contractors for alterations and additions at the Harrisburg State Hospital at Harrisburg

Such money shall be paid on warrant drawn on the State Treasurer by the Auditor General and may be paid to any person firm association or corporation which shall by assignment subrogation or otherwise have become entitled to the balance due any contractor on account of such alterations and additions

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Chapman,	Geltz,	McCreesh,	Thomas,
Coleman,	Haluska,	McQuiddy,	Tyler,
Cox,	Heyburn,	Miller,	Wade,
Crider,	Homsner,	Ruth,	Walker,
Crowe,	James,	Shapiro,	Watkins,
Deitrick,	Jaspan,	Snowden,	Wilson, H. I.,
Dent,	Kephart,	Stevenson,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 982, (House Bill No. 1334), as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seventy three thousand eight hundred thirty one dollars and seventy seven cents (\$73,331.77) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment of claims against the Commonwealth of Pennsylvania in connection with the erection and construction of the Eastern State Penitentiary at Graterford in Montgomery County including unpaid claims on contracts of consulting architects for preliminary plans and studies authorized in accordance with law under the provisions of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 731) entitled "An act providing for the preparation of plans and specifications and for the erection of the Eastern State Penitentiary on lands acquired therefor imposing duties in connection therewith upon the Governor the Board of Trustees of Eastern State Penitentiary and the Department of Welfare and making an appropriation" and as liquidating damages and compensation resulting from the cancellation of the contract of consulting architects relating to work drawings

Payment from said appropriations shall be made to the parties entitled thereto on requisition of the Department of Property and Supplies after proof of such claims to the satisfaction of the Department of Property and Supplies and after approval thereof by the Department of Welfare

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Geltz,	McCreesh,	Thomas,
Chapman,	Haluska,	McQuiddy,	Tyler,
Coleman,	Heyburn,	Miller,	Wade,
Cox,	Homsner,	Ruth,	Walker,
Crider,	James,	Shapiro,	Watkins,
Crowe,	Jaspan,	Snowden,	Wilson, H. I.,
Deitrick,	Kephart,	Stevenson,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1000, (House Bill No. 567), on third reading, entitled:

An Act to reenact and amend the title and the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders or securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1028, as follows:

An Act declaring that the soil under tidal waters within the boundaries of the Commonwealth belongs and has always belonged to the Commonwealth of Pennsylvania vesting in the Navigation Commission for the Delaware River and its Navigable Tributaries the supervision management and control thereof directing the said Commission to require all persons firms or corporations desiring to dig dredge or remove any sand gravel or other soil under tidal water of said river and its tributaries to obtain a license for so doing and to pay a reasonable royalty to be fixed by said Commission for the use of the Commonwealth providing for appeals from any action of the Navigation Commission and providing penalties for the digging dredging or removal of sand gravel or other soil without procuring such license and entering into such agreement

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the soil under the tidal waters within the boundaries of the Commonwealth of Pennsylvania of right belong to and have always belonged to the said Commonwealth

Section 2 It is hereby made unlawful for any person firm or corporation to dig dredge or remove for sale sand gravel or other soil from under the tidal waters within the boundaries of the Commonwealth of Pennsylvania without first obtaining from the Navigation Commission for the Delaware River and its Navigable Tributaries a license to dig dredge or remove the same under such agreement as may be entered into by any such person firm or corporation with the said Navigation Commission for the payment of a reasonable compensation or royalty to the said Commission for the use of the Commonwealth of Pennsylvania Provided However that this section shall not apply to dredging improvement or construction operations carried on by federal state or local governmental authorities or to the enlargement improvement or deepening of a channel or channels to the main channels or of any dock slip basin or waterway at wharf dock or harbor structures and removing and taking material for those purposes by owners of riparian property adjacent to the tidal waters of the Commonwealth of Pennsylvania

Section 3 The Navigation Commission for the Delaware River and its Navigable Tributaries may and they are hereby authorized under such terms and restrictions as to duration compensation to be paid and such other conditions and restrictions as the interests of the Commonwealth may require to license by an instrument in writing any person firm or corporation to dig dredge or remove any deposits of sand gravel or other material from the lands of the Commonwealth under tidal waters and the moneys received under any such license or agreement shall be paid to the Treasury of the Commonwealth for its general purposes The said Commission shall issue such licenses by the same procedure as now obtains with respect to other licenses affecting riparian lands of the Commonwealth and shall receive for the use of the Commonwealth such fees for the issuance thereof as are now receivable in the issuance of other licenses.

Section 4 It shall be the duty of the Navigation Commission for the Delaware River and its Navigable Tributaries to receive sue for and recover any such compensation or royalties due or payable in accordance with the terms of the said licenses or agreements and the said Commission shall have power to suspend or revoke any such licenses for failure to comply with the terms provisions and conditions of any such license or agreement

Section 5 Any person copartnership association or corporation aggrieved by a decision of the said Navigation Commission in (a) granting or refusing in whole or part an application for a license to dig dredge or remove any deposits of sand gravel or other material from the lands of the Commonwealth under tidal waters or (b) fixing terms and restrictions as to duration of or compensation to be paid for any such license under this act may within thirty days after the date of the said decision present a petition to the court of common pleas for the County of Dauphin setting forth the facts of the case and the grounds of the petitioner's complaint and thereupon the said court after having caused due notice of presentation of the said petition and of the time fixed for the hearing thereof to be given to the said Navigation Commission and to all persons whom the court may deem legally interested therein shall proceed to hear and determine the subject matter of said petition and shall make such order and decree in the premises as to it may seem proper and the said order and decree shall be final and conclusive

Section 6 Any person firm or corporation who or which shall dig dredge or remove any sand gravel or other substance or material from the lands underlying any of the tidal waters within this Commonwealth without first having obtained a license from and entered into an agreement with the Navigation Commission for the Delaware River and its Navigable Tributaries authorizing him or it so to do shall be subject to a penalty of One Hundred (\$100) Dollars for each offense to be recovered as penalties of like amount are recoverable at the suit of the said Navigation Commission and each day upon which such sand gravel or other substance or material is removed without conforming with the requirements of this Act shall be considered a separate and substantive offense

Section 7 All Acts or parts of Acts inconsistent herewith are hereby repealed

Section 8 This Act shall take effect immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Letzier,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Geltz,	McCreesh,	Thomas,
Chapman,	Haluska,	McQuiddy,	Tyler,
Coleman,	Heyburn,	Miller,	Wade,
Cox,	Homsher,	Ruth,	Walker,
Crider,	James,	Shapiro,	Watkins,
Crowe,	Jaspan,	Snowden,	Wilson, H. I.,
Deltrick,	Kephart,	Stevenson,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1058, (House Bill No. 300), as follows:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six hundred dollars (\$600) or as much thereof as may be necessary is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and forty-one to be paid to the treasurer of Elk Township Warren County Pennsylvania for the purpose of improving and maintaining in good repair the public roads and highways passing through the Cornplanter Indian Reservation in said township and for the purpose of improving and replacing bridges and their abutments on such roads and highways Said moneys shall be paid on warrant drawn on the State Treasurer by the Auditor General and shall be disbursed under the direction of the supervisors of Elk Township

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Letzier,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Geltz,	McCreesh,	Thomas,
Chapman,	Haluska,	McQuiddy,	Tyler,
Coleman,	Heyburn,	Miller,	Wade,
Cox,	Homsher,	Ruth,	Walker,
Crider,	James,	Shapiro,	Watkins,

Crowe,
Deltrick,

Jaspan,
Kephart,

Snowden,
Stevenson,

Wilson, H. I.,
Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 1064, (House Bill No. 848), on third reading, entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof; that are or may be inconsistent therewith," providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been changed from a fourth class district to one of another class

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1108, (House Bill No. 820), entitled:

An Act to amend section one of the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares, and merchandise, and providing for the collection of said tax," as amended, exempting from the mercantile license tax so much of the business of manufacturers producers and mechanics as comprises the vending of goods of their manufacture or production from their factories places of production loading pockets, places of storage and workshops.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. KEPHART. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Title, page 1, line 11 of the title, by inserting before the word "from", the following words: "except business transacted at places of business operated by them apart;" Amend Section 1, page 3, between lines 2 and 5, after the word "production" in line 2, and before the word "upon" in line 5, by taking out the following words: "from their factories places of production loading pockets storage or workshops but manufactureres producers and mechanics shall be required to pay the mercantile license tax;" Amend Section 1, page 3, line 5, after the word "tax" and before the word "upon", by inserting the fol-

following word: "except"; Amend Section 1, page 3, line 6, after the word "at" and before the word "stores" by inserting the following words: "Places of business" amend section 1, page 3, line 6, after the word "warehouses" and before the word "apart," by inserting the following words: "operated by them"; Amend Section 1, page 3, line 24, after the word "is" and before the word "transacted," by inserting the following word: "not"; Amend Section 1, page 3, line 25, after the word "at" and before the word "their", by inserting the following words: "places of business stores yards or warehouses operated by them apart from"; Amend Section 2, page 4, line 10, after the word "manufacturers" and before the word "and", by removing the underlining under the word: "producers"; Amend Section 2, page 4, lines 12 and 13, after the word "transacted", by taking out the following words: "at their factories places of production loading pockets storage and workshops"; and inserting in lieu thereof the following words: "which is exempted by this act."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1117, as follows:

An Act to amend section 1 of the act approved the twenty-seventh day of May one thousand nine hundred and thirty-seven (P. L. 901) entitled "An act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties" by redefining the term "Dealer in farm produce"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 of the act approved the twenty-seventh day of May one thousand nine hundred and thirty-seven (P. L. 901) entitled "An act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(a) "Dealer in farm produce" means any person association copartnership or corporation engaged in the business of buying receiving selling exchanging negotiating or soliciting the sale resale exchange or transfer of any farm produce and includes every person association co-

partnership or corporation receiving or purchasing farm produce from the producer on consignment or on a net return basis

(b) "Department" means the Department of Agriculture of this Commonwealth

(c) "Farm produce" includes all agricultural horticultural vegetable fruit and floriculture products of the soil poultry eggs nuts flowers and honey but shall not include timber products tea coffee or livestock

(d) "Net return basis" means a purchase for sale of farm produce from a producer or shipper at an unfixed or unseated price at the time the produce is shipped from the point of origin and it shall include all purchases made "at the market price" "at net worth" and on similar terms which indicate that the buyer is the final arbiter of the price to be paid

(e) "On consignment" means any receiving or sale of farm produce for the account of a person other than the seller wherein the seller acts as the agent for the owner

(f) "Producer" means any producer of farm produce in this Commonwealth

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 If the amendments effected by this act are declared by final decision of any court of competent jurisdiction to be unconstitutional or to render the act hereby amended unconstitutional it is hereby declared to be the legislative intent that such amendments shall become inoperative and the act amended hereby shall thereafter be construed and applied as though such amendments had not been made

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Ealy,	Lanús,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Geltz,	McCreesh,	Thomas,
Chapman,	Haluska,	McQuiddy,	Tyler,
Coleman,	Heyburn,	Miller,	Wade,
Cox,	Homsher,	Ruth,	Walker,
Crider,	James,	Shapiro,	Watkins,
Crowe,	Jaspan,	Snowden,	Wilson, H. I.,
Deitrick,	Kephart,	Stevenson,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1169, on third reading, entitled:

An Act to further amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; au-

thorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of public assistance to unemployable persons; substituting the Department of Welfare for the Department of Public Assistance, abolishing the Department of Public Assistance and the State Board of Public Assistance and imposing certain duties in respect to employable persons on the Department of Labor and Industry.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 78, entitled:

An Act to amend section eight hundred one of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining political parties and political bodies excluding therefrom parties or bodies desiring to overthrow the Government of the United States by force.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 416, (House Bill No. 551), entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts Page 60) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the Public schools for the two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine" providing for a deficiency in the appropriation to the Department of Property and Supplies for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one providing for payment out of revenues of the fiscal biennial period beginning June first one thousand nine hundred forty-one and preventing lapsing.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 700, (House Bill No. 99), entitled:

An Act to amend sections one and two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting certain clubs from such limitation.

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer an amendment.

The Clerk read the amendments as follows:

Amend Section 2, page 4, line 9, by inserting the following words after the letters "ceeded":

"Notwithstanding any of the foregoing provisions of this act, any hotel, eating place, restaurant or club holding a retail dispenser's license under the provisions of the "Beverage License Law" approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), as reenacted and amended by the act, approved the sixteenth day of June, one thousand nine hundred and thirty-seven (P. L. 1827), its amendments and supplements, shall upon application to the Pennsylvania Liquor Control Board and surrender of the retail dispenser's license, be granted a liquor license under the provisions of the "Pennsylvania Liquor Control Act," approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), as reenacted and amended by the act, approved the sixteenth day of June, one thousand nine hundred and thirty-seven (P. L. 1762), its amendments and supplements. Every licensee surrendering a retail dispenser's license issued under the "Beverage License Law," for a liquor license issued under the "Pennsylvania Liquor Control Act," shall furnish bond as required by section four hundred and six of the latter act. The fee for a liquor license thus issued in exchange for a retail dispenser's license shall be the difference between the amount which the applicant paid for such retail dispenser's license under the "Beverage License Law" and the fee prescribed by the "Pennsylvania Liquor Control Act" for the issuance of a liquor license: Provided, That no liquor license shall be thus issued in any locality where the electors by local option have voted against the granting of liquor licenses, and no liquor license shall be thus issued where the applicant or the licensed premises do not comply with the requirements of the "Pennsylvania Liquor Control Act."

"After a liquor license has been issued to any applicant as hereinbefore provided, such applicant shall be entitled to the same privileges and subject to the same restrictions as other holders of liquor licenses."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,
Will the Senate agree to the section as amended?
It was agreed to.
The title was read.

On the question,
Will the Senate agree to the title?

Mr. KEPHART. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Title, page 1, line 10 of the title, by inserting the following words after the word "limitation": "and by providing that retail dispensers licenses may be exchanged or surrendered for liquor licenses without violating the limits upon the number of licenses imposed by such act; and authorizing the Pennsylvania Liquor Control Board to effect such exchange or substitution upon compliance with certain conditions."

On the question,
Will the Senate agree to the amendment?

It was agreed to.

On the question,
Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 790, (House Bill No. 90), entitled:

An Act providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as United Spanish War Veterans Incorporated.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 1, page 1, line 5, by inserting before the word "United" at the beginning of the line, the following: "The".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. MILLER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title, page 1, line 4 of title, by inserting after the word "as" the following: "The".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 921, (House Bill No. 892), entitled:

An Act authorizing a commission to study recreational facilities available in first class cities imposing powers and duties on said commission.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 924, (House Bill No. 1035), on second reading, entitled:

An Act to further amend clause ten of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining "new member"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 957, (House Bill No. 529), entitled:

An Act to further amend section 571 of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that the tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond.

And said bill having been read at length the second time and agreed to,

Ordered to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1043, (House Bill No. 571), entitled:

An Act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1140 (HOUSE BILL No. 611) ON
SECOND READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1140, (House Bill No. 611), on second reading, page 19 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1140, (House Bill No. 611), entitled:

An Act providing for the acquisition by the Department of Forests and Waters, in the name of the Commonwealth, of certain lands in Luzerne, Sullivan, and Wyoming Counties, for use as a State Park; making an appropriation for said acquisition; providing for the management of said property by said department and defining the uses to which the property shall be put.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1153, (HOUSE BILL No. 1513),
CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1153, (House Bill No. 1513), on second reading, page 19 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1153, (House Bill No. 1513), entitled:

An Act to further amend section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled as amended "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons co-partnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" by exempting assets held by liquidating trustees.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1111, (HOUSE BILL No. 1559), ON
SECOND READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1111, (House Bill No. 1559), on second reading, page 18 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1111, (House Bill No. 1559), entitled:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including certain officers and soldiers of the United States Army, Pennsylvania National Guard and Pennsylvania Reserve Defense Corps, within the definition of "peace officer."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1215 CALLED UP ON
SECOND READING

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1215 on second reading, page 20 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1215, entitled:

A Supplement to the act, approved the _____ day of June, one thousand nine hundred forty-one (Appropriation Acts, page _____), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the

public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one."

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. GELTZ. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 1, line 3, by striking out the following: "Acts page —" and inserting in lieu thereof: "Act number 12A."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. GELTZ. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title by striking out the dash "—" and inserting in lieu thereof: "sixteenth;"

Amend title, page 1, line 2 of title by striking out the word "Acts" and inserting in lieu thereof: "Act"; Amend title, page 1, line 3 of title by striking out the following: "page —" and inserting in lieu thereof: "number 12A."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1218 CALLED UP ON SECOND READING

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1218 on second reading, page 21 of the Calendar.

Mr. BARTLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1218, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 637, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for instruction and research in aeronautical engineering and for the acquisition, construction and maintenance of airport facilities as an aid to national defense and for other purposes; and empowering said trustees to enter into agreements with Federal officials or agencies with respect to the construction and use of such airports.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 726, entitled:

An Act to provide for two additional law judges of the Court of Common Pleas of the Fifth Judicial District.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 767, (House Bill No. 1095), entitled:

An Act to further amend section six of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1068, (House Bill No. 1234), entitled:

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing the township commissioners from time to time to make supplemental appropriations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1069, (House Bill No. 1236), entitled:

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the township supervisors from time to time to make supplemental appropriations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Mr. CAVALCANTE. Mr. President, I want to call attention to the fact—I do not know whether it is simply a printer's error or not, on the Calendar, in the title of Senate Bill No. 1069, or whether it is an error which occurs also in the bill, but there is an error in the title which shows the partial word "authoring," which should be "authorizing the townships commissioners". The word "authorizing" is misspelled.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1123, (House Bill No. 1233), entitled:

An Act to amend section three hundred seventy of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing the county commissioners from time to time to make supplemental appropriations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1124, (House Bill No. 1235), entitled:

An Act to further amend section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government and institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and dispositive of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing the commissioners of any county institution district from time to time to make supplemental appropriations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1138, (House Bill No. 502), entitled:

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania certain land which is the site of an old fortress known as Old Garrison in the City of Franklin Venango County or so much thereof as may be necessary as a historical memorial providing for the control management supervision and improvement thereof authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation

thereof authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1139, (House Bill No. 605), entitled:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof under the supervision of the Department of Mines for the purpose of developing new uses and markets for anthracite and bituminous coal

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1147, (House Bill No. 1337), entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of claims against the Commonwealth arising from failure to lease premises after owners thereof had been induced to expend money thereon.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1159, (House Bill No. 1570), entitled:

An Act authorizing the Department of Property and Supplies to have a certain number of copies printed of the Report of the Joint State Government Commission on the Organization and Administration of Pennsylvania's State Government; providing for the distribution and sale of such copies; imposing new duties on the Joint State Government Commission; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1161, (House Bill No. 1659), entitled:

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons associations and corporations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1194, (House Bill No. 1121), entitled:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1210, (House Bill No. 1729), entitled:

An Act to add section fourteen and one-tenth to the act approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," authorizing the Secretary of Highways and the various political subdivisions, with the approval of the Water and Power Resources Board, to grant easements and flowage rights to the Federal Government, over certain highways, roads, streets and bridges.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1071, (House Bill No. 1380), on second reading, entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof of establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and three-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1142, (House Bill No. 723), on second reading, entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hun-

dred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof of establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1162, (House Bill No. 1660), on second reading, entitled:

An Act to amend section seven hundred and thirty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by authorizing the furnishing of certain confidential information to other states and the United States

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1209, (House Bill No. 1722), on second reading, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 541, (House Bill No. 650), entitled:

An Act to amend section seven of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such street providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the motor license fund for the purposes of this act" as last amended by providing for the changing of width lines location or grades of streets in cities of the second class second class A and third class by the Department of Highways without the consent of the city in which said street is located relieving the city from liability for damages in such cases and imposing liability for damages upon the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 712, entitled.

An Act to amend section one and section two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 899), entitled "An act establishing a State Highway in the County of Lebanon; providing for its location, construction, improvement, and maintenance by the Commonwealth," by amending the State Highway Route established by said act and providing that said State Highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 768, (House Bill No. 1127), entitled:

An Act defining, regulating and providing for the licensing and registration of employment agents and their representatives, including private employment agents, theatrical employment agencies and nurses' registries; providing for revocation and suspension of licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the Department of Labor and Industry and the Department of Public Instruction; providing penalties; and repealing existing laws.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 783, entitled:

An Act to further amend the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate, and politic, of "Authorities" for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by changing the method by which notice of the formation of a municipal authority shall be made public; further regulating incorporation purposes and existence of the authority; defining procedure whereby an authority can enter into contracts and dispose of its bonds; imposing additional qualifications and duties on members of the authority; imposing civil liability on members of the board and officers of an authority in certain cases; requiring annual audits; imposing additional duties on the court of common pleas; giving authorities right of eminent domain in certain cases; extending with certain limitations the power of Authorities to make certain purchases requiring authorities in certain cases to secure certificates of public convenience from the Public Utility Commission, imposing duties upon said commission and providing for appeals, requiring the filing of financial reports by authorities with and the approval of bond issues by the Department of Internal Affairs and conferring powers and imposing duties upon said department, restricting the appointment of members of authorities and limiting their salaries, and providing for the voluntary dissolution of authorities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 795, (House Bill No. 640), entitled:

An Act establishing certain public roads and streets and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway and providing for their laying out opening construction and maintenance by the Department of Highways subject to certain terms and conditions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 796, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and mak-

ing an appropriation to carry out the provisions of said act," as amended, by changing Route 36174, Lancaster County.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 797, entitled:

An Act making an appropriation to the Department of Highways for the construction of roadways and parking areas on the premises included in the Pennsbury Memorial.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 854, entitled:

An Act to further amend paragraph six of subsection (b) and subsection (f) of section one thousand two of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices, of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by increasing the legal speed of certain vehicles and changing penalties provided therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 978, (House Bill No. 1315), entitled:

An Act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-seven (P. L. 589) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor

License Fund for the purposes of the act" by adding new sections making certain changes in the designation of certain streets taken over as State highways and adding thereto certain additional streets providing for the taking opening relocation widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and the city or either of them designating the city as agent for the Commonwealth in such taking opening relocation widening or change of grade and the determination of damages arising therefrom authorizing agreements for the taking opening relocation widening change of grade construction reconstruction repair and maintenance of such State highways appropriating money in the Motor License Fund for the purposes of the act as amended.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1084, entitled:

An Act creating a uniform and exclusive system for the correction, training and rehabilitation of young persons convicted of law violations in the Commonwealth; establishing the Youth Corrective Authority; conferring and defining its jurisdiction, duties, powers and functions, including the commitment, control, supervision and discharge of young persons convicted of crime; providing for the method of appointment of its members; regulating the appointment removal and discharge of its officers, clerks and employees; authorizing it to make and enforce rules for the accomplishment of its functions, to create administrative districts and to make use of existing institutions and agencies and the facilities of other departments of the Commonwealth; imposing certain duties upon judges and providing for appeals; fixing the salaries of members of the board and of certain other officers and employees thereof; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1098, entitled:

An Act relating to the sale, transfer, assignment and pledge of accounts receivable and requiring the assigner of accounts receivable to make appropriate record of the fact of such assignment, and prescribing penalties for failure to do so.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1134, (House Bill No. 220), entitled:

An Act to amend section four of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street im-

provements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," requiring the Department of Highways to take over bridges and viaducts on State Highways in cities of the third class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1148, (House Bill No. 1441), entitled:

An Act to amend routes 52037 and 52044 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing certain routes in the county of Potter.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1149, (House Bill No. 1457), entitled:

An Act establishing certain public roads in Porter Township Clarion County and Mahoning Township Armstrong County as a State highway providing for their construction and maintenance by the Department of Highways.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, June 23, 1941, at 3:30 o'clock, p. m. Eastern Standard Time.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:47 o'clock, p. m., Eastern Standard Time until Monday, June 23, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, June 18, 1941

The House met at 11 a. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The SPEAKER. The Chaplain has asked permission of the Speaker to be absent today to conduct a funeral away from Harrisburg. In his absence and at his invitation prayer will be offered by the gentleman from Northampton, Mr. McFall.

Mr. McFall, a member from Northampton County, offered the following prayer:

O God, our heavenly Father, in humility and gratitude we approach Thy throne of Grace and offer unto Thee our prayer of thanks from contrite hearts, for the blessings that are ours.

May the priceless heritage left us by our founding Fathers take on a new responsibility of steadfast loyalty of patriotism and devotion to the birthright of American ideals. Ideals that place moral integrity, honest effort, and spiritual aspirations above worldly possessions, above selfish interest and the lust of the body. Help us to preserve the finest qualities that Thou in Thy infinite wisdom did freely give to all Thy people everywhere.

We pray that these honest petitions and desires of our hearts may be most expedient for us. We ask these favors in the name of Him who said, "Blessed are the peacemakers for they shall be called the children of God." Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. GATES, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. McFALL and VAN ALLSBURG.

HOUSE BILL No. 1895.

An Act to amend section five of the act, approved the fourth day of April, one thousand nine hundred twenty-nine (P. L. 144), entitled "An act prescribing the powers and duties of the Department of Agriculture with regard to farm products; providing for co-operation with the Department of Internal Affairs to establish standard receptacles for farm products; authorizing the Department of Agriculture to establish and promulgate standards for the grade and other classification of farm products, and to promulgate regulations for the enforcement thereof; defining farm products to include agricultural, horticultural, vegetable, fruit, and floricultural products of the soil, live stock and meats, wool, hides, poultry, eggs, dairy products, nuts, mushrooms, and honey; and providing penalties," by including certificates of the United States Department of Agriculture as evidence of grade and classification.

Referred to the Committee on Judiciary General.

By Messrs. McLANAHAN and CORRIGAN.

HOUSE BILL No. 1896.

An Act requiring labels giving certain information as to the contents, to be affixed to every container used for the sale of fermented malt or brewed beverages; and prescribing penalties.

Referred to the Committee on Liquor Control.

By Mr. TURNER.

HOUSE BILL No. 1897.

An Act regulating to and regulating the marking, branding, identifying and labeling of meat and food products; conferring powers and imposing duties on the Department of Agriculture; and prescribing penalties.

Referred to the Committee on Agriculture.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 934. (HOUSE BILL No. 1898).

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor.

Referred to the Committee on Counties.

SENATE BILL No. 1029. (HOUSE BILL No. 1899).

An Act creating a Joint Legislative Committee for the purpose of making a thorough study and investigation of the State Employees Retirement System; providing for its appointment; authorizing the employment of necessary clerks and assistants; authorizing the subpoenaing of witnesses and records and making an appropriation.

Referred to the Committee on State Government.

SENATE BILL No. 1037. (HOUSE BILL No. 1900).

An Act to amend section four hundred and twenty 'A' of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by authorizing minors of the age of eighteen years and upwards to contract for policies of life insurance and annuities, and giving them full rights, powers and privileges with regard hereto whether heretofore or hereafter applied for or issued to them with the same force and effect as if they were of age.

Referred to the Committee on Insurance.

SENATE BILL No. 1087. (HOUSE BILL No. 1901).

An Act authorizing the Secretary of Property and Supplies to sell and convey certain tracts of coal lands in Hempfield Township, Westmoreland County, Pennsylvania.

Referred to the Committee on State Government.

SENATE BILL No. 1131. (HOUSE BILL No. 1902).

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and costs such amount as may be fixed for the discharge hereof in proceedings under the National Bankruptcy Act.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 1173. (HOUSE BILL No. 1903).

An Act authorizing the Department of Property and Supplies to purchase coal underlying the Cresson State Sanatorium and making an appropriation therefor.

Referred to the Committee on Appropriations.

SENATE BILL No. 1188. (HOUSE BILL No. 1904).

An Act making an appropriation for the purpose of reconstruction preservation and maintenance of public roads and improving and replacing bridges thereon through the

Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1189. (HOUSE BILL No. 1905).

A Joint Resolution proposing an amendment to section four article two of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. McFALL and PRESLEY N. JONES.

RESOLUTION No. 104.

In the House of Representatives, June 16, 1941.

Whereas, The Department of Highway employes are now receiving inadequate compensation for their labor in view of the present increase in the cost of living; and

Whereas, It would be commensurate with their work that all laborers should receive a wage increase; therefore be it

Resolved, That the House of Representatives hereby requests the Executive Board of the Commonwealth of Pennsylvania to make an immediate increase of 5 cents per hour in the salaries of such laborers; and be it further

Resolved, That the Chief Clerk of the House of Representatives forward a copy of this resolution to the Executive Board of the Commonwealth.

Referred to the Committee on Rules.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 3, 1941.

The report of the Joint State Government Commission of the General Assembly on the organization and administration of Pennsylvania's State Government contains the recommendation that "consideration should be given to the feasibility of establishing a central testing laboratory to make all of the tests of the several departments and agencies of the State Government".

Laboratories are now maintained by the Department of Agriculture, the Department of Health, the Department of Property and Supplies and the Department of Highways which result in a duplication of work and expenses; therefore be it

Resolved (if the House of Representatives concur), That the Joint State Government Commission is directed to undertake an investigation and study of the feasibility and advisability of establishing a central laboratory for the purpose of making such tests, experiments and research as may be required and requested by any department, board, bureau, commission or agency of the State Government and to make a report of their findings and recommendations to the General Assembly not later than February first, one thousand nine hundred forty-three; and be it further

Resolved, That a copy of this resolution shall be transmitted to the Chairman of the said Joint State Government Commission.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk:

PAINTERS

Telegram from Penna. Conferences of the Brotherhood of Painters Decorators and Paperhangers of America, West Reading, favoring passage of House Bill No. 678, regulating and licensing painters, paperhangers and decorators.

Referred to the Committee on Appropriations.

CAR CARRIER LAW REPEALER

A communication from the Blackstone Auto Company, Williamsport, addressed to the Speaker, favoring passage of Senate Bill No. 1023, regulating vehicles and loads on vehicles transporting other vehicles.

A petition from citizens of Pennsylvania opposing passage of Senate Bill No. 1023.

Referred to the Committee on Highways.

LIQUID FUELS TAX

A communication from the Colerain Twp. Road Supervisors, Bedford, favoring passage of Senate Bills Nos. 297 and 298, limiting amount of liquid fuels tax payable to counties; and permitting use of funds for maintenance of repair of municipal roads.

Referred to the Committee on Highways.

CO-OPERATIVE ENTERPRISES

A communication and resolution from the Pennsylvania Grocers Association, Philadelphia, addressed to the Speaker, favoring passage of legislation providing for the incorporation of co-operative retailer owned enterprises.

Referred to the Committee on Judiciary General.

UNFAIR SALES BILL

A communication and resolution from the Pennsylvania Grocers Association, Philadelphia, and a telegram from the Philadelphia Merchants' Association, Philadelphia, addressed to the Speaker favoring passage of Senate Bill No. 24, prohibiting sale of merchandise below cost.

Referred to the Committee on Judiciary Special.

ANTI-SABOTAGE BILL

A communication from the State Legislative Board of Pennsylvania of the Brotherhood of Locomotive Firemen and Enginemen, Harrisburg, opposing passage of Senate Bill No. 491, opposing all acts of sabotage.

Referred to the Committee on Judiciary Special.

INSURANCE AGENTS

A telegram from CIO Local No. 22, Philadelphia, addressed to the Speaker, opposing passage of Senate Bill No. 80, excluding industrial insurance agents from benefits to unemployment compensation.

Referred to the Committee on Labor.

UNEMPLOYMENT COMPENSATION FUND

A communication and resolution from the Pennsylvania Grocers Association favoring adoption of legislation placing all contributions to the Unemployment Compensation Fund upon a merit or experience rating basis.

Referred to the Committee on Labor.

LIQUOR LICENSEES

A petition from citizens of Fellsburg, Westmoreland County; a petition from citizens of Apollo and vicinity, Armstrong County, and a communication from the St. Denis Total Abstinence Benevolent Society, Ardmore, protesting passage of legislation extending the hours on which alcoholic beverages may be sold, gambling and infringing upon the Lord's Day.

Referred to the Committee on Liquor Control.

MOTOR VEHICLES

A petition from citizens of Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1365.

Referred to the Committee on Military Affairs.

MINE CAVES

A postal card from the Anthracite Surface Protective Association, Scranton, favoring a Commission for investigation of mine cave condition in the anthracite region.

Referred to the Committee on Mines and Mining.

COMMERCE LAW

A telegram from John J. Boback, Ashland, protesting passage of House Bill No. 1661.

Referred to the Committee on Mines and Mining.

MOTOR VEHICLES

A communication from the Order of Railway Conductors of Pennsylvania, opposing passage of Senate Bill No. 1023.

A communication from Robinson's Garage, Baltsburg, addressed to the Speaker, favoring passage of Senate Bill No. 1023, known as Car Carrier Law Repealer.

Referred to the Committee on Motor Vehicles.

FIREMEN

A communication from the Kearsarge Volunteer Hose Company, R. D. 3, Erie, addressed to the Speaker, favoring passage of House Bill No. 26, permitting use of red signal lights on motor vehicles of volunteer firemen.

Referred to the Committee on Motor Vehicles.

VEHICLE CODE

A communication from L. H. Waltersdorf, Tremont, addressed to the Speaker, favoring passage of House Bill No. 1365.

A communication from Julius Himmelstein, Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1365.

Referred to the Committee on Motor Vehicles.

COMMISSIONER OF BAKERIES

Telegrams and communications from citizens of Pennsylvania favoring passage of House Bill No. 998, creating a Commissioner of Bakeries in the Department of Agriculture.

Referred to the Committee on Professional Licensure.

CHIROPRACTORS

A telegram from the Philadelphia County Medical Society, addressed to the Speaker, urging defeat of House Bill No. 1048, known as the Chiropractic Bill.

A communication from the Medical Society of the State

of Pennsylvania, opposing passage of House Bill No. 1048, known as the Chiropractic Bill.

Referred to the Committee on Professional Licensure.

NURSES

Communications and postal cards from citizens of Philadelphia, addressed to the Speaker, urging defeat of House Bill No. 675, licensing of trained nurses.

Referred to the Committee on Professional Licensure.

MEDICAL INTERNS

A communication from Ralph A. Gibbs, Philadelphia, protesting passage of Senate Bills Nos. 575 and 644, further regulating the status of student interns.

Referred to the Committee on Public Health and Sanitation.

RAILROADS AND RAILWAYS

A communication from the Brotherhood of Railroad Trainmen favoring passage of House Bill No. 75 (Full Crew Bill); House Bill No. 97 (Flagman on Light Engines) and House Bill No. 110 (Train Limit Bill).

A communication from W. E. Erk, New Castle, addressed to the Speaker, favoring passage of House Bill No. 97 (Flagman on Light Engines).

Referred to the Committee on Railroads and Railways.

CIVIL SERVICE

A communication from the Philadelphia Branch American Association of University Women, favoring passage of Senate Bills Nos. 653 and 654, creating a State Civil Service Commission.

Referred to the Committee on State Government.

COMMERCIAL FEEDING STUFFS LAW

A postal card from J. S. McKean & Son, New Kensington, addressed to the Speaker, opposing passage of House Bill No. 1582.

Referred to the Committee on Public Utilities.

PERSONAL PROPERTY TAX

A communication from the Kensington Security Bank and Trust Company, Philadelphia, and The National Bank of Girard, Girard, favoring passage of House Bill No. 1513, relieving the trustees of closed banks from payment of the four mills State Personal Property Tax.

Referred to the Committee on Ways and Means.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. VOGT for himself for the remainder of the week after today's session.

Mr. VOLDOW for himself for the remainder of the week after today's session.

Mr. CHERVENAK for himself for the remainder of the week after today's session.

Mr. Chervenak for Mr. O'CONNOR for the remainder of the week after today's session.

Mr. Chervenak for Mr. OWENS for the remainder of the week after today's session.

Mr. EDWIN A. LEE for himself for the remainder of the week after today's session.

Mr. HALL for himself for the remainder of the week after today's session.

Mr. IMBRIE for himself for the remainder of the week after today's session.

Mr. GREENWOOD for himself for the remainder of the week after today's session.

Mr. CHARLES H. BRUNNER for himself for part of tomorrow and the remainder of the week.

Mr. Ely for Mr. HARE for the remainder of the week.

Mr. NAGLE for himself for the remainder of the week after today's session.

Mr. HABERLEN for himself for the remainder of the week after today's session.

REPORTS FROM COMMITTEES

Mr. SCANLON, from the Committee on Education, reported as Committed, House Bill No. 1878, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith" as amended, by providing for the appointment of a deputy school treasurer, a deputy school controller and clerks to the school controller.

Mr. ELLWOOD B. WELSH, from the Committee on Education, reported as committed, House Bill No. 1741, entitled;

An Act to control the practice of accounting by defining and regulating the practice of public accountancy by those qualified by the Commonwealth to practice as certified public accountants or as public accountants.

Mr. TARR, from the Committee on Education, reported as committed, House Bill No. 513, entitled:

An Act to further amend section twelve of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," granting certain retirement rights to persons who have withdrawn from and returned to school service.

Mr. HIRSCH, from the Committee on Education, reported as committed, House Bill No. 1671, entitled:

An Act to further amend subsections seven and nine of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent

therewith," fixing the minimum annual salary and increments of members of the teaching and supervisory staff in school districts of the fourth class; increasing the percentage of state-aid for all districts; and providing additional state-aid through an equalization fund created by this act to be maintained from state appropriations.

Mr. WOLF, from the Committee on Education, reported as committed, House Bill No. 1700, (Senate Bill No. 806), entitled;

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating sabbatical leaves for certain school employees.

Mr. SCANLON, from the Committee on Welfare, reported as committed, House Bill No. 1476, (Senate Bill No. 459), entitled:

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this Act.

Mr. D'ORTONA, from the Committee on Welfare, reported as committed, House Bill No. 1757, (Senate Bill No. 508), entitled:

An Act to amend section two thousand three hundred twenty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by authorizing the State Council for the Blind to furnish certain aids and services to needy blind persons or persons with impaired vision for the purpose of restoring or improving their vision, and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose.

Mr. TROUT, from the Committee on Education, reported as committed, House Bill No. 1823, (Senate Bill No. 367, entitled:

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Millersville State Teachers' College, to contract with the Borough of Millersville for the erection of a sewage disposal plant and the connection therewith and use thereof by the Millersville State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

Mr. McCLESTER, from the Committee on Education, reported as committed, House Bill No. 1782, (Senate Bill No. 785), entitled:

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational education; and making provision for additional types of vocational education for which funds may be provided by Congress.

Mr. RILEY, from the Committee on Education, reported as committed, House Bill No. 1107, (Senate Bill No. 51), entitled:

An Act authorizing and empowering school districts to furnish food including milk to undernourished and poor school children in their districts.

Mr. HIRSCH, from the Committee on Education, reported as committed, House Bill No. 1549, (Senate Bill No. 241), entitled:

An Act to further amend section two thousand six hundred and four of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the audit of accounts of fourth class school districts by the borough or township controller or auditors.

Mr. O'CONNOR, from the Committee on Education, reported as committed, House Bill No. 1841, (Senate Bill No. 1095), entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for minimum salary and increments of part-time teachers of children of exceptional physical or mental condition unable to attend regular public school, and for payments by the Commonwealth on account thereof.

Mr. HARKINS, from the Committee on Education, reported as amended, House Bill No. 1209, (Senate Bill No. 1), entitled:

An Act providing that when inmates of an orphan's home or other children's institution or private home are maintained at the cost of any county and attend public school and are not legal residents of such school district, the county shall pay their tuition charges and collect the same from the school district liable therefor.

Mr. ROSENFELD, from the Committee on Welfare, reported as amended, House Bill No. 448, entitled:

An Act to amend the first paragraph of section nine of the act approved the twenty-fourth day of June, one thousand

nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by re-defining eligibility for assistance.

Mr. MALLOY, from the Committee on State Government, reported as amended, House Bill No. 413, entitled:

An Act prohibiting the employment by the Commonwealth or any political subdivision thereof, of persons whose philosophy proposes the change of the government of the United States by means not provided for in the Constitution of the United States; declaring inoperative any contract or civil service law or regulation providing for tenure in employment; and repealing inconsistent acts.

Mr. MODEL, from the Committee on Banking, reported as committed, House Bill No. 1622, entitled:

An Act placing corporations operating cemeteries and burial grounds under the control of the Department of Banking, authorizing said Department to make examinations of the affairs of such corporations at the cost of such corporation and in certain cases with the approval of the Department of Justice, to take over and operate the same and imposing certain duties on the court of common pleas.

Mr. WEISS, from the Committee on Judiciary General, reported as committed, House Bill No. 1866, (Senate Bill No. 905), entitled:

An Act to further amend clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to salus mortgages conveyances on ground-rents leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof of the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent

not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be upon compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustees to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" extending the provisions of said act to cases where real estate is held by entireties and the one spouse has been declared weak-minded or mentally incompetent.

MARINE WELCOMED

The SPEAKER. The Chair concluded that some drastic step was necessary to bring this Session of the General Assembly to a close. Therefore, having been a former Marine himself and knowing their reputation for action he has called upon the Marines to inaugurate an intensive drive to break down all barriers, and as a first step in this blitzkrieg the Speaker has as his guest today Sergeant Heineche, a personal friend of the Speaker. The Chair warns both the floor leaders to take heed.

HOUSE BILL No. 1259 TAKEN FROM TABLE

Mr. CHERVENAK. Mr. Speaker, I move that House Bill No. 1259 together with the message from the Governor which was laid on the table June 12, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1259

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1259, Printer's No. 555, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. CHERVENAK. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. REUBEN E. COHEN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Cambria Mr. Chervenak vote on the final passage of this bill?

Mr. CHERVENAK. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia Mr. Cohen vote on the final passage of this bill?

Mr. REUBEN E. COHEN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. CHERVENAK. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. CHERVENAK. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 2, page 2, line 25 by striking out after the word "Original" and before the word "a" the word: "[employe"]" and inserting in lieu thereof the word: "member."

Amend section 2, page 2, line 25 by striking out after the word "a" and before the word "who" the following: "[county employe]"; and inserting in lieu thereof the word: "member".

Amend section 2, page 3, line 4 by striking out after the word "a" and before the word "who" the following: "[county employe]"; and inserting in lieu thereof the word: "member".

Amend section 2, page 3, line 11, by inserting after the word "Superannuation" and before the word "age" the word: "retirement".

Amend section 11, page 9, line 15 by inserting after the word "his" and before the word "service" the word: "prior".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

HOUSE BILL No. 1022 TAKEN FROM TABLE

Mr. HEATHERINGTON. Mr. Speaker, I move that House Bill No. 1022 together with the message from the Governor which was laid on the table June 12, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING

HOUSE BILL No. 1022

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1022, Printer's No. 640, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. HEATHERINGTON. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. KEENAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Heatherington, vote on the final passage of this bill?

Mr. HEATHERINGTON. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Keenan, vote on the final passage of this bill?

Mr. KEENAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HEATHERINGTON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HEATHERINGTON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 2, line 9 of the title, by inserting after the word "Commonwealth" and before the word "for" the following: "under certain conditions".

Amend section 1 (section 13), page 3, line 21 by inserting at the end of the line the following: "Provided however That each dog is equipped with a collar bearing a name plate giving the name and address of the owner."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 358.

An Act to further amend clauses three. of subsection (b) of section 913 of the act approved the third day of June, one thousand nine hundred thirty-seven. (Pamphlet Laws 1333), entitled, "An act concerning elections, including general, municipal, special and primary elec-

tions, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections"; by further fixing the fee for filing nomination petitions in certain cases

HOUSE BILL No. 803.

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in dance houses or in concert saloons theaters or places of entertainment where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in tap rooms clubs cafes restaurants and eating houses where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act

HOUSE BILL No. 1323.

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg, in exchange for the conveyance by said city of Wildwood Park to the Commonwealth providing for the transfer of said park to the Department of Forests and Waters and the use thereof by the department as a State park and by other departments boards and commissions for their respective purposes

Whereupon.

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 811

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 811, entitled:

An Act to further amend section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16), entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine.

And has appointed Messrs. FARRELL, ZEISENHEIM

and RUTH a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 616

Mr. FINESTONE. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 616.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 316, entitled:

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" providing for the fixing of bail and the admission to bail by magistrates committing magistrates justices of the peace or aldermen and the fixing of bail by coroners in certain cases involving involuntary manslaughter.

Respectfully submit the following bill as our report

HENRY I. WILSON
CLARENCE D. BECKER
JOHN J. HALUSKI
(Committee on the part of the Senate)
PAUL D'ORTONA
LEWIS J. FINESTONE
WALTER E. ROSE, JR.
(Committee on the part of the
House of Representatives)

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" providing for the fixing of bail and the admission to bail by magistrates committing magistrates justices of the peace or aldermen and the fixing of bail by coroners in certain cases involving involuntary manslaughter

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" is hereby amended to read as follows

Section 7 In all cases the party accused on oath or affirmation of any crime or misdemeanor against the laws shall be admitted to bail by one or more sufficient sureties to be taken before any judge justice mayor recorder or alderman where the offense charged has been committed except such persons as are precluded from being bailed by the constitution of this Commonwealth Provided also That persons accused as aforesaid of murder or manslaughter shall only be admitted to bail by the supreme court or one of the judges thereof or a president or associate law judge of a court of common pleas And provided further however That persons accused of involuntary manslaughter involving the use of an automobile trolley or train may be admitted to bail by a magistrate committing magistrate justice of the peace or alderman the amount thereof to be fixed by the magistrate committing magistrate justice of the peace or alderman or the coroner Persons accused as aforesaid of arson rape mayhem sodomy buggery robbery or burglary shall

only be bailable by the supreme court the court of common pleas or any of the judges thereof or a mayor or recorder of a city

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Ilabbyslaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burriss,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Mulr,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenahan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winnor,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliot,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fliss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy,
Flynn,	Lyons,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

MEMBER WELCOMED

The SPEAKER. The Chair welcomes back to the House today the gentleman from Monroe, Mr. Achterman, and hopes he is very much improved.

MR. CHERVENAK IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1577, (Senate Bill No. 561), entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by redefining amplifying and changing the powers and duties of the commission its employees and commissioners further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon the inspection of the records of the commission providing for appeals by the commission to appellate courts repealing and changing certain provisions of said act relating to removal notices and for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1720, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1336, entitled:

An Act authorizing and directing the Department of Property and Supplies to reprint the Report of the Commission to locate the Sites of the Frontier Forts of Pennsylvania; and providing for the distribution thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1703, entitled:

An Act limiting the amount of costs of prosecution payable by persons, when appeals from the payment of fine for summary convictions, are not sustained.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1501, entitled:

An Act authorizing the Secretary of the Department of Forests and Waters to lease a tract of land in Jackson Township, Dauphin County to the Susquehannock Indian tribe.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1747, (Senate Bill No. 788), entitled:

An Act to amend sections one and two of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereof; and providing for the suspension of the registration of any motor vehicle, or of the operators license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public service company law; authorizing the rescission of such suspension; and providing for the disposition of fees." by extending the provisions thereof to contract carriers by motor vehicle.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1804, (Senate Bill No. 1023), entitled:

An Act to further amend Section 1033 of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds" extending the provisions of such section for a further period of two years.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1690, (Senate Bill No. 782), entitled:

An Act to further amend subsections (a), (b) and (c) of section one thousand two hundred and one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associa-

tions, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporation subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," further providing for assessment of regulatory expenses upon public utilities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1161, entitled:

An Act requiring cities of the third class to allot the sum of sixty dollars to all uniformed officers and men employed in the police department, fire department and health department for the purchase of their prescribed uniforms.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 924, entitled:

An Act to amend section four hundred two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees;

prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," further regulating the registration of motor vehicles.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Cambria, Mr. Chervenak, for presiding.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 934, entitled:

An Act for the preservation of eyesight and the prevention of blindness declaring a policy in reference thereto conferring powers and imposing duties on the Department of Health and prescribing qualifications for persons administering such work

The first, second and third sections were separately read and agreed to.

The fourth section was read:

On the question,

Will the House agree to the section?

Mr. McCLANAGHAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Section 4, page 3, by striking out the following line 13 (Beginning with the word "All") and all of line 14, and inserting in lieu thereof: "Notwithstanding any of the provisions of this Act, none of the powers or duties conferred hereunder shall be exercised so that treatment shall be administered to any child without the consent of the parent or guardian or persons standing in loco parentis."

The amendment was agreed to.

The section was agreed to as amended.

The fifth section was read:

On the question,

Will the House agree to the section?

Mr. McCLANAGHAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Section 5, page 3, by striking out line 15, (Beginning with the word "This", and all of line 16, and inserting in lieu thereof: "Notwithstanding any of the provisions of this Act, none of the powers or duties conferred hereunder shall be exercised so as to require anyone, who is a member or adherent of any well recognized church or denomination whose religious tenets provide for the treatment of the sick by prayer or spiritual means, to have medical treatment."

The amendment was agreed to.

The section was agreed to as amended.

On the question recurring,

Will the House agree to the bill?

Mr. McCLANAGHAN. Mr. Speaker, I desire to offer the following amendments adding new sections to the bill.

The amendments were read by the Clerk as follows:

Add as Section 6, the following: "Section 6: All acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed."

Add as Section 7, the following: "Section 7: This Act shall become effective immediately upon final enactment."

The amendments were agreed to.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 871, Senate Bill No. 9, Printer's No. 452, was passed over at the request of The SPEAKER.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1217, entitled:

An Act regulating and establishing prevailing wage rates to be used by contractors employed by the Department of Highways in the construction of highways and street paving and imposing certain duties on the Department of Highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1613, entitled:

An Act authorizing counties cities boroughs towns townships school districts and county institution districts to install a system for the collection and payment of current taxes by the purchase at any time during the fiscal year of tax payment certificates by the taxpayers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1825, entitled:

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1178, entitled:

An Act providing that the compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1629, entitled:

An Act to further amend sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1286) entitled as amended "An act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the authorization of indebtedness and interest thereon" taking away the power to enter into contracts with private corporations for the furnishing of sewer or sewage treatment services and the imposition and collection of rentals or charges and the entry of liens in connection therewith

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1503, entitled:

An Act to amend section six of the act approved the day of one thousand nine hundred and forty-one (Act No.) entitled "An act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class and on unpaid delinquent poll poor district institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period preserving certain tax liens and providing for the extension thereof" authorizing the sale of real property within the prohibited time for such sales upon consent of the owner thereof

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1700, (Senate Bill No. 789), entitled:

An act to amend section eleven of the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employees property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania" by expressly providing for administration of the Public Utility Law of June first one thousand nine hundred and thirty-seven (P. L. 1053) by the Public Utility Commission and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,
The House proceeded to the consideration on final passage of House Bill No. 814, entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments; establishing regular pay days; imposing duties upon employes; conferring powers and duties upon the Department of Labor and Industry; imposing additional powers and duties on the Secretary of the Department of Labor and Industry for the civil collection of wages; imposing civil and criminal penalties for the violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

On the question,
Shall the bill pass finally?

BILL POSTPONED

Mr. PETROSKY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.
The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,
The House proceeded to the consideration on final passage of House Bill No. 1652, as follows:

An Act to further amend sections eight and eleven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by giving the secretary discretionary power under certain circumstances to suspend operators' licenses and providing for notice and hearing before suspension of licenses and registrations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections eight and eleven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" as amended by the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 1075) are hereby further amended to read as follows

Section 8 Proof of Financial Responsibility Required as Condition Precedent to Issuance of Renewal of Operators' Licenses to Persons Having Certain Accident Record Suspension of Operators' Licenses Penalty (a) Until proof

of financial responsibility has been furnished to the secretary an operator's license shall not be issued or renewed to a person who within any twelve months' period while operating a motor vehicle either within or outside of this State had one or more accidents caused wholly or partially by his negligence which caused injury to persons or damage to property excluding injury to persons or damage to motor vehicles operated by such person amounting in the aggregate to more than one hundred dollars (\$100) or the operator's license of any person who while operating a motor vehicle either within or without this State had an accident caused by his negligence which caused injury to persons or damage to property excluding injury to himself and damage to motor vehicles operated by such person amounting in the aggregate to more than one hundred dollars (\$100) may be suspended after a hearing by secretary unless proof of financial responsibility has been furnished to the secretary except that where an operator by his negligence has caused one (1) or more accidents within any twelve (12) months' period resulting in injury to persons or damage to property excluding injury to himself and damage to more vehicles operated by himself amounting in the aggregate to more than one hundred dollars (\$100) and such operator or other person or insurer has paid all the claims arising from such accidents or if such operator or owner at the time of such accidents or if such operator or owner at the time of such accident or accidents was self insured in a manner satisfactory to the Pennsylvania Public Utility Commission or to the secretary in an amount sufficient to pay all claims for such injuries and damages or carried insurance in a solvent insurance carrier which would be liable to respond in damages in an amount sufficient to pay all claims for such injuries and damages or carried insurance in a solvent insurance carrier which would be liable to respond in damages in an amount sufficient to pay all claims for such injuries and damages then such operator shall be exempt from the provisions of this section. The amount of damages caused by accidents in which the applicant was involved will be deemed to have been the amount paid in settlement of claims of other persons if all such claims have been settled and if such claims have not been paid then the amounts claimed by persons injured and by the persons entitled to recover for the death of persons killed and by the owners of property damaged or judgments obtained by such other persons.

(b) For the purposes of this section where all claims have not been paid and the operator or owner either has not carried insurance in a solvent insurance carrier which would be liable to respond in damages in an amount sufficient to pay all such claims or was not self insured in a manner satisfactory to the Pennsylvania Public Utility Commission or to the secretary in an amount sufficient to pay all such claims the happening of an accident while a person is operating a motor vehicle shall be prima facie evidence that it was caused wholly or partly by such person's negligence but the secretary may upon application of such person conduct an inquiry into the circumstances under which the accident occurred and thereupon find that the accident occurred without any negligence on the part of such person or that the damages are not in the amount claimed. Damages may be deemed to be claimed only if the [defendant] secretary has received a notification of the amount of damages claimed from the person injured the person entitled to recover for the death of the person killed or the owner of property damaged which notification shall be subscribed to and verified by the oath or affirmation of such person and a copy of the receipted bill or a copy of the bill rendered or a copy of the estimate of the probable cost prepared by a qualified person and subscribed to and verified by the oath or affirmation of the person acknowledging payment rendering the bill or preparing the estimate.

(c) The secretary's finding or such notification shall not be admissible in evidence in any court proceeding for damages instituted either by or against such person or in any criminal proceeding arising out of such accident.

(d) Any person making a misstatement of fact in notification required under subsection (b) of this section

shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than on year or by a fine not exceeding on thousand dollars (\$1,000) or both in the discretion of the court.

Section 11 Proof of Financial Responsibility Required of Persons Who Fail to Satisfy Judgments Arising Out of Motor Vehicle Accidents Operator's License and Registration Certificates to Be Suspended Until Satisfaction of Judgment If within fifteen days after if becomes final any person fails to satisfy any judgment rendered against him by a court of competent jurisdiction in this or any other State or the District of Columbia or any province of the Dominion of Canada or by a district Court of the United States for damages on account of personal injury or of damage to property in excess of five dollars and thirty-three cents (\$5.33) resulting from the operation subsequent to the effective date of this act by him his agent or any other person with his express or implied consent of a motor vehicle owned by him or the operation by him or his agent of a motor vehicle not owned by him [his operator's license and all of his registration certificates shall be forthwith suspended by] the secretary upon receiving a certified copy of such final judgment from the court in which the same was rendered shall give such person notice within five (5) days after receiving such certified copy by registered mail at his last address recorded in the Department of Revenue that his operator's license and all of his registration certificates will be suspended unless such judgment is satisfied within twenty (20) days from the date of such notice the secretary shall forthwith suspend such person's operator's license and all of his registration certificates and they shall remain suspended and shall not be renewed nor shall any other motor vehicle be thereafter registered in his name while such judgment remains unsatisfied and subsisting and until he has furnished proof of financial responsibility for future accidents. Provided however That when any person whose operator's license and registration certificate have been suspended or revoked under the provisions of this section at the time of such accident was self insured in a manner satisfactory to the Pennsylvania Public Utility Commission or to the Secretary in an amount sufficient to pay all claims for such injuries and damages or carried insurance in a solvent insurance carrier which would be liable to respond in damages in an amount sufficient to pay the judgment rendered against him the secretary shall have the authority to issue or renew the operator's license and registration certificate of such person after such judgment has been satisfied without first requiring proof of financial responsibility.

If such person is not a resident of this State he shall not be permitted to operate any motor vehicle in this State and it shall not be lawful for any other person knowing that such operation is not permitted to operate in this State any motor vehicle owned by such non-resident while such judgment remains unsatisfied and subsisting and until such nonresident has furnished proof of financial responsibility for future accidents.

If after such person has satisfied such judgment within the meaning of this act and has furnished proof of financial responsibility any other such judgment shall be recovered against him for any accident occurring before such proof was furnished his operator's license and registration certificates shall again be and remain suspended while such other judgment remains unsatisfied and subsisting.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Malloy,	Royer,
Auker,	Foor,	Marks,	Rush,
Baker,	French,	Maxwell,	Sarge,

Balthaser,	Gallagher,	McClanaghan,	Sarraf,
Baughner,	Gates,	McClester,	Scanlon,
Bentley,	Gerard,	McDermott,	Schwab,
Boles,	Gillan,	McDowell,	Serrill,
Boney,	Gillette,	McFall,	Shaffer,
Boorse,	Goodwin,	McGrath,	Shaw,
Bower,	Greenwood,	McIntosh,	Shepard,
Bradley,	Gross,	McKinney,	Simons,
Breth,	Gryskewicz,	McLanahan,	Skale,
Bretherick,	Gyger,	McLane,	Snyder,
Brown,	Habbyshaw,	McMillen,	Sollenberger,
Brunner, C. H.,	Haines,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Mcui,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolan,	Kenehan,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, E. E.,
Duffy,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Early,	Rank,	Reagan,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliot,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Leisey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Floss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker
	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clark present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1370, as follows:

An Act to amend section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" further regulating the removal discharge or reduction in pay or position of officers clerks and employes in the classified civil service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" is hereby amended to read as follows

Section 18 No officer clerk or employe in the classified civil service of such city shall be removed discharged or reduced in pay or position except for just cause which shall not be religious or political Further no such officer clerk or employe shall be removed discharged or reduced except during the probationary period until he shall have been furnished with a written statement of the reasons for such action and been allowed to give the re-

moving officer such written answer as the person sought to be removed may desire In every case of such removal or reduction a copy of the statement of the reasons therefor and of the written answer thereto shall be furnished to the civil service commission and entered upon its public records Within sixty days after the receipt of notice of removal discharge or demotion in pay or position the commission may upon its own initiative or shall upon request of the employe affected make such investigation as it may deem advisable either sitting as a body or through one or more of its members The investigating inquiry or hearing is declared to be for the purpose of fairly determining whether or not the employe involved by reason of his act or acts as charged and his record of service merits continuance therein or should be removed therefrom or demoted or otherwise disciplined for the good of the service In such investigations inquiries or hearings the commission shall not be required to follow established rules of evidence or court procedure but shall seek information and evidence bearing on the merits of the case The records of such investigations and all hearings shall be open to the public and the employe sought to be removed discharged or demoted shall have opportunity to be heard personally or through counsel in his own defense Within twenty days after the completion of such investigation or hearing or sooner if practicable the commission shall make its findings and conclusions which shall be forthwith certified to and enforced by the appointing authority The commission may in its discretion after making its investigation of the charges against said employe affected order said employe to be reinstated without holding any further inquiry or hearing The commission shall have the authority after its disapproval of the removal discharge or reduction in pay or position of the employe affected to restore pay to the employe for the period of such removal discharge or reduction in pay or position

No police officer or fireman except those dismissed during probationary period shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense Such charges may be filed by any superior officer or by any citizen or taxpayer and shall within thirty days after filing be heard investigated and determined by the commission or by one of the commissioners or by some person or board appointed by the commission to hear investigate and determined the same Where one person is appointed by the commission to hear such charges he shall be a person learned in the law Where a board is appointed to hear such charges at least one member of such board shall be learned in the law The hearing shall be public and the accused and his counsel shall have the right to be heard

The finding and decision of the commission or commissioner or of such person or board when approved by the commission shall be certified to the appointing authority and shall be forthwith enforced by such authority

Nothing herein contained shall limit the power of any superior officer to suspend a subordinate for a reasonable period not exceeding thirty days pending hearing and decision Every such suspension shall be without pay provided however That the commission shall have authority to investigate every such suspension and in case of its disapproval it shall have power to restore pay to the employe so suspended

All papers filed in any hearing under this section shall be public records of the commission

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Malloy,	Royer,
Auker,	Foor,	Marks,	Rush,
Baker,	French,	Maxwell,	Sarge,
Balthaser,	Gallagher,	McClanaghan,	Sarra,
Baughner,	Gates,	McClester,	Scanlon,
Bentley,	Gerard,	McDermott,	Schwab,
Boles,	Gillan,	McDowell,	Serrill,
Boney,	Gillette,	McFall,	Shaffer,
Boorse,	Goodwin,	McGrath,	Shaw,
Bower,	Greenwood,	McIntosh,	Shepard,
Bradley,	Gross,	McKinney,	Simons,
Breth,	Gryskewicz,	McLanahan,	Skale,
Bretherick,	Gyger,	McLane,	Snyder,
Brown,	Habbyshaw,	McMillen,	Sollenberger,
Brunner, C. H.,	Haines,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Ellott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy,
	Lyons,	Rosenfeld,	Speaker.

fourth day of June one thousand nine hundred thirty-nine (P. L. 810) is hereby further amended to read as follows

Section 701 Unlawful Taking Killing Possession Etc of Game Except as otherwise provided in this act it is unlawful for any person to take or kill or wound or attempt to take or kill or wound any game except during the open season or to have in possession either living or dead any game or any part thereof except game lawfully taken during the open season which may be had in possession during the open season therefor and for sixty days thereafter Provided however That any person upon application to the director may be issued a permit authorizing the possession of the flesh of a lawfully killed big game animal or any part thereof for an additional period not to exceed four months

The burden of proof that game or any part thereof found in possession of any person after the close of the open season was lawfully taken shall be upon the person in whose possession such game or part thereof is found

This section does not prohibit the possession at any time of game killed or taken outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of birds or animals not unlawfully killed or the possession of live raccoons when lawfully taken during the open season provided the owner thereof applies to the director for a permit within five days after the close of the season which shall be issued without charge

It is unlawful for any person to use any game that has been unlawfully killed or taken or to aid or assist in the taking possession concealment or transportation of any game unlawfully killed or to have in possession for any purpose whatsoever or conceal the same any game or any part thereof that has been unlawfully killed or taken

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Malloy,	Royer,
Auker,	Foor,	Marks,	Rush,
Baker,	French,	Maxwell,	Sarge,
Balthaser,	Gallagher,	McClanaghan,	Sarra,
Baughner,	Gates,	McClester,	Scanlon,
Bentley,	Gerard,	McDermott,	Schwab,
Boles,	Gillan,	McDowell,	Serrill,
Boney,	Gillette,	McFall,	Shaffer,
Boorse,	Goodwin,	McGrath,	Shaw,
Bower,	Greenwood,	McIntosh,	Shepard,
Bradley,	Gross,	McKinney,	Simons,
Breth,	Gryskewicz,	McKinney,	Skale,
Bretherick,	Gyger,	McLanahan,	Snyder,
Brown,	Habbyshaw,	McMillen,	Sollenberger,
Brunner, C. H.,	Haines,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
	Kolankiewicz,	Rank,	Williams,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1407, (Senate Bill No. 597), as follows:

An Act to further amend section seven hundred one of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section seven hundred one of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by the act approved the twenty-

Early,	Komorofski,	Readinger,	Winner,
Eckels,	Lee, E. A.,	Reagan,	Wolf,
Elder,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Leisey,	Reese, R. E.,	Wood, N.,
Ely,	Leonard,	Regan,	Woodring,
Falkenstein,	Lesko,	Reynolds,	Woodside,
Finestone,	Levy,	Rhea,	Wright,
Finnerty,	Leydic,	Riley,	Yeakel,
Fisher,	Lichtenwaiter,	Rooney,	Yester,
Fiss,	Longo,	Rose, S.,	Young,
Fleming,	Lovett,	Rose, W. E.,	Kilroy,
Fletcher,	Lyons,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL PASSED OVER

There being no objection House Bill No. 1653, Senate Bill No. 587, Printer's No. 242 was passed over at the request of Mr. ACHTERMAN.

BILL ON THIRD READING

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 1672, (Senate Bill No. 572), entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Malloy,	Royer,
Auker,	Foor,	Marks,	Rush,
Baker,	French,	Maxwell,	Sarge,
Balthaser,	Gallagher,	McClanaghan,	Sarra,
Baughner,	Gates,	McClester,	Scanlon,
Bentley,	Gerard,	McDermott,	Schwab,
Boles,	Gillan,	McDowell,	Serrill,
Boney,	Gillette,	McFall,	Shaffer,
Boorse,	Goodwin,	McGrath,	Shaw,
Bower,	Greenwood,	McIntosh,	Shepard,
Bradley,	Gross,	McKinney,	Simons,
Breth,	Gryskewicz,	McLanahan,	Skale,
Bretherick,	Gyger,	McLane,	Snyder,
Brown,	Habbyshaw,	McMillen,	Sollenberger,
Brunner, C. H.,	Haines,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burriss,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
	James,	O'Neill,	Vogt,

Cullen,	Jefferson,	Owens,	Voldow,
Dalrymple,	Jones, G. E.,	Petrosky,	Voorhees,
Dennison,	Jones, P. N.,	Pettit,	Watkins,
DiGenova,	Keenan,	Polaski,	Weingartner
Dix,	Kenehan,	Polen,	Weiss,
Dolon,	Kline,	Powers,	Welsh, E. B.,
D'Ortona,	Knoble,	Prosen,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Lee, E. A.,	Reagan,	Wolf,
Elder,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Leisey,	Reese, R. E.,	Wood, N.,
Ely,	Leonard,	Regan,	Woodring,
Falkenstein,	Lesko,	Reynolds,	Woodside,
Finestone,	Levy,	Rhea,	Wright,
Finnerty,	Leydic,	Riley,	Yeakel,
Fisher,	Lichtenwaiter,	Rooney,	Yester,
Fiss,	Longo,	Rose, S.,	Young,
Fleming,	Lovett,	Rose, W. E.,	Kilroy,
Fletcher,	Lyons,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

BILL PASSED OVER

There being no objection House Bill No. 1474, Senate Bill No. 365, Printer's No. 197, was passed over at the request of Mr. ACHTERMAN.

BILLS ON THIRD READING

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 790, (Senate Bill No. 151), entitled:

An Act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office, and validating deeds heretofore so executed.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burriss,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
	Hewitt,	Nunemacher,	Turner,

Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Huntley,	O'Dare,	Verona,
Corrigan,	Imbrie,	O'Mullen,	Vincent,
Croop,	James,	O'Neill,	Vogt,
Cullen,	Jefferson,	Owens,	Voldow,
Dalrymple,	Jones, G. E.,	Petrosky,	Voorhees,
Dennison,	Jones, P. N.,	Pettit,	Watkins,
DiGenova,	Keenan,	Polaski,	Weingartner,
Dix,	Kenehan,	Polen,	Weiss,
Dolon,	Kilne,	Powers,	Welsh, E. B.,
D'Ortona,	Knoble,	Prosen,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorowski,	Readinger,	Winner,
Eckels,	Lee, E. A.,	Reagan,	Wolf,
Elder,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lelsey,	Reese, R. E.,	Wood, N.,
Ely,	Leonard,	Regan,	Woodring,
Falkenstein,	Lesko,	Reynolds,	Woodside,
Finestone,	Levy,	Rhea,	Wright,
Finnerty,	Leydic,	Riley,	Yeakel,
Fisher,	Lichtenwalter,	Rooney,	Yester,
Fiss,	Longo,	Rose, S.,	Young,
Fleming,	Lovett,	Rose, W. E.,	Kilroy,
Fletcher,	Lyons,	Rosenfeld,	Speaker.
Flynn,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1619, (Senate Bill No. 346), entitled:

An Act to amend section two hundred one and to further amend sections two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal or quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation or calling optional in counties.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Malloy,	Royer,
Auker,	Foor,	Marks,	Rush,
Baker,	French,	Maxwell,	Sarge,
Balthaser,	Gallagher,	McClanaghan,	Sarra,
Baughner,	Gates,	McClester,	Scanlon,
Bentley,	Gerard,	McDermott,	Schwab,
Boles,	Gillan,	McDowell,	Serrill,
Boney,	Gillette,	McFall,	Shaffer,
Boorse,	Goodwin,	McGrath,	Shaw,
Bower,	Greenwood,	McIntosh,	Shepard,
Bradley,	Gross,	McKinney,	Simons,
Breth,	Gryskewicz,	McLanahan,	Skale,
Bretherick,	Gyger,	McLane,	Snyder,
Brown,	Habbyshaw,	McMillen,	Sollenberger,
Brunner, C. H.,	Haines,	McSurdy,	Sorg,
Brunner, P. A.,	Hall,	Melchiorre,	Stambaugh,
Burns,	Hamilton,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,

Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kilne,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Reynolds,	Woodring,
Finestone,	Lesko,	Rhea,	Woodside,
Finnerty,	Levy,	Riley,	Wright,
Fisher,	Leydic,	Regan,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy,
Flynn,	Lyons,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

BILL PASSED OVER

There being no objection House Bill No. 1475, Senate Bill No. 364, Printer's No. 141, was passed over at the request of Mr. ACHTERMAN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1581, (Senate Bill No. 224), entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	McCall,	Sarge,
Balthaser,	Gates,	McClanahan,	Sarra,
Baughner,	Gerard,	McClest,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gryskewicz,	McIntosh,	Shepard,
Bradley,	Gyger,	McKinney,	Simons,
Breth,	Gross,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Soilenberger,
Brunner, C. H.,	Hall,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hamilton,	Melchorre,	Stank,
Burns,	Hare,	Mihm,	Stine,
Burriss,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chervenak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helm,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Nagel,	Trout,
Cook,	Hersch,	Nunemacher,	Turner,
Cooper,	Hewitt,	O'Brien,	Van Allsburg,
Cordier,	Hirsch,	O'Dare,	Verona,
Corrigan,	Huntley,	O'Mullen,	Vincent,
Croop,	Imbrie,	O'Neill,	Vogt,
Cullen,	James,	Owens,	Voldow,
Dalrymple,	Jefferson,	Petrosky,	Voorhees,
Dennison,	Jones, G. E.,	Pettit,	Watkins,
DiGenova,	Jones, P. N.,	Polaski,	Weingartner,
Dix,	Keenan,	Polen,	Weiss,
Dolon,	Kenahan,	Powers,	Welsh, E. B.,
D'Ortona,	Kline,	Prosen,	Welsh, M. J.,
Duffy,	Knoble,	Rank,	Williams,
Early,	Kolankiewicz,	Readinger,	Winnor,
Early,	Komorowski,	Reagan,	Wolf,
Eckels,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Lelsey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Woodring,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy,
Fletcher,	Lovett,	Rosenfeld,	Speaker.
Flynn,	Lyons,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1691, (Senate Bill No. 419), entitled:

An Act providing for the reconnaissance survey of a state highway between the city of Harrisburg, in the county of Dauphin, and the borough of New Hope, in the county of Bucks.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanahan,	Sarra,
Baughner,	Gerard,	McClest,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Soilenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burriss,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Dare,	Van Allsburg,
Corrigan,	Huntley,	O'Mullen,	Verona,
Croop,	Imbrie,	O'Neill,	Vincent,
Cullen,	James,	Owens,	Vogt,
Dalrymple,	Jefferson,	Petrosky,	Voldow,
Dennison,	Jones, G. E.,	Pettit,	Voorhees,
DiGenova,	Jones, P. N.,	Polaski,	Watkins,
Dix,	Keenan,	Polen,	Weingartner,
Dolon,	Kenahan,	Powers,	Weiss,
D'Ortona,	Kline,	Prosen,	Welsh, E. B.,
Duffy,	Knoble,	Rank,	Welsh, M. J.,
Early,	Kolankiewicz,	Readinger,	Williams,
Early,	Komorowski,	Reagan,	Winnor,
Eckels,	Lee, E. A.,	Reese, D. P.,	Wolf,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Ely,	Lelsey,	Regan,	Wood, N.,
Falkenstein,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Woodring,
Fisher,	Leydic,	Rooney,	Yeakel,
Fiss,	Lichtenwalter,	Rose, S.,	Yester,
Fleming,	Longo,	Rose, W. E.,	Young,
Fletcher,	Lovett,	Rosenfeld,	Kilroy,
Flynn,	Lyons,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1673, (Senate Bill No. 592), entitled:

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183), entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boies,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliot,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy,
Flynn,	Lyons,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

BILLS PASSED OVER

There being no objection House Bill No. 1002, Printer's No. 341, and House Bill No. 990, Printer's No. 275, were passed over at the request of the SPEAKER.

There being no objection House Bill No. 1536, Senate Bill No. 212, Printer's No. 228, was passed over at the request of Mr. ACHTERMAN.

There being no objection House Bill No. 566, Printer's No. 898; House Bill No. 1638, Printer's No. 816; House Bill No. 1640, Printer's No. 818; and House Bill No. 1639, Printer's No. 819, were passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consid-

eration of House Bill No. 1731, (Senate Bill No. 599), entitled:

An Act to amend section three of the act approved the twenty-third day of March one thousand eight hundred and sixty-five (P. L. 607) entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boies,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliot,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy,
Flynn,	Lyons,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 1755, (Senate Bill No. 655), entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Flynn,	Malloy,	Loyner,
Auker,	Foor,	Marks,	Rush,
Baker,	French,	Maxwell,	Sarge,
Balthaser,	Gallagher,	McClanaghan,	Sarraf,
Baughner,	Gates,	McClester,	Scanlon,
Bentley,	Gerard,	McDermott,	Schwab,
Boles,	Gillan,	McDowell,	Serrill,
Boney,	Gillette,	McFall,	Shaffer,
Boorse,	Goodwin,	McGrath,	Shaw,
Bower,	Greenwood,	McIntosh,	Shepard,
Bradley,	Gross,	McKinney,	Simons,
Breth,	Gryskewicz,	McLanahan,	Skale,
Bretherick,	Gyger,	McLane,	Snyder,
Brown,	Habbyshaw,	McMillen,	Sollenberger,
Brunner, C. H.,	Haines,	McSurdy,	Sorg,
Brunner, P. A.,	Hall,	Melchiorre,	Stambaugh,
Burns,	Hamilton,	Mihm,	Stank,
Burris,	Hare,	Modell,	Stine,
Cadwalader,	Harkins,	Monks,	Stockham,
Chervanak,	Harmuth,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
Digenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Welsh,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorofski,	Readinger,	Winnner,
Elder,	Lee, E. A.,	Reese, D. P.,	Wolf,
Elliot,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Ely,	Lelsey,	Regan,	Wood, N.,
Falkenstein,	Leonard,	Reynolds,	Woodring,
Finestone,	Lesko,	Rhea,	Woodside,
Finnerty,	Levy,	Riley,	Wright,
Fisher,	Leydic,	Rooney,	Yeakel,
Flss,	Lichtenwalter,	Rose, S.,	Yester,
Fleming,	Longo,	Rose, W. E.,	Young,
Fletcher,	Lovett,	Rosenfeld,	Kilroy,
	Lyons,		Speaker.

NAYS—2

Harris,	Reagan,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1751, (Senate Bill No. 213), entitled:

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania to acquire by gift from the owner thereof Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown Montgomery County Pennsylvania providing for the control management supervision improvement and maintenance thereof by the Pennsylvania Historical Commission authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof and creating an advisory board to assist in such functions.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarraf,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervanak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
Digenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Welsh,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorofski,	Readinger,	Winnner,
Elder,	Lee, E. A.,	Reese, D. P.,	Wolf,
Elliot,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Ely,	Lelsey,	Regan,	Wood, N.,
Falkenstein,	Leonard,	Reynolds,	Woodring,
Finestone,	Lesko,	Rhea,	Woodside,
Finnerty,	Levy,	Riley,	Wright,
Fisher,	Leydic,	Rooney,	Yeakel,
Flss,	Lichtenwalter,	Rose, S.,	Yester,
Fleming,	Longo,	Rose, W. E.,	Young,
Fletcher,	Lovett,	Rosenfeld,	Kilroy,
	Lyons,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with

information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1695, (Senate Bill No. 303), entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foot,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helim,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dairymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Keenehan,	Polen,	Welss,
D'Ortona,	Kilne,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1818, (Senate Bill No. 486) entitled:

An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution, the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ, subject to certain deductions for costs and priority claims

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foot,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helim,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dairymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Keenehan,	Polen,	Welss,
D'Ortona,	Kilne,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lyons,	Rosenfeld,	

NAY—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consid-

eration of House Bill No. 1820, (Senate Bill No. 1017), entitled:

An Act to amend section one of the act, approved the fifteenth day of May, one thousand eight hundred and seventy-four (P. L. 186), entitled "An act declaring what officers are incompatible," by specifically exempting persons serving in the armed forces of the United States.

On the question,

Will the House agree to the bill on third reading?

Mr. McCLANAGHAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, last line of title, by inserting after the word "States" the following: "during any war or state of emergency."

Amend Sec. 1, page 2, lines 11 to 13, by striking out the word "serving" in line 11 and all of lines 12 and 13, and inserting in lieu thereof: "who shall enlist, enroll or be called or drafted into the active military or naval service of the United States or any branch or unit thereof during any war or emergency as hereinafter defined"

Amend bill, page 2, by inserting between lines 13 and 14, the following section:

Section 2. As used in this act the term "war" shall mean the period between the opening and ending of hostilities, and shall not include the period after the ending of hostilities notwithstanding the fact that no treaty of peace has been negotiated or concluded, and the term "emergency" shall mean the period between a declaration that a state of emergency exists and a declaration that the state of emergency has been terminated.

Amend Sec. 2, page 2, line 14, by striking out the figure "2" and inserting in lieu thereof: "3"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1786, (Senate Bill No. 209), as follows:

An Act providing for the forfeiture and condemnation of vehicles used to store possess or transport narcotics or drugs the possession or transportation of which is in violation of law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any wagon buggy motor vehicle water or air craft or other vehicle or conveyance in which is stored contained or transported any narcotics or drugs the possession or transportation of which is in violation of any law of this Commonwealth shall be forfeited to the Commonwealth subject to the provisions hereafter set forth provided however that nothing herein contained shall be construed to apply to common carriers by railroad subject to Part 1 of the Interstate Commerce Act

Section 2 Whenever any officer shall discover any vehicle being used as referred to in section one hereof he shall take possession of such vehicle and shall forthwith deliver possession thereof to the district attorney of the county wherein said seizure occurred or to the person designated by him to abide the judgment of the court Provided however That the said vehicle team conveyance craft or receptacle shall be returned to the owner upon the execution by him of a good and valid bond with sufficient sureties in the sum double the value of the vehicle to be approved by the magistrate alderman or justice of the peace or a judge of the court of quarter sessions conditioned that the said vehicle shall be delivered to the district attorney of the county or the person designated by him at the time of the condemnation proceedings hereinafter provided in this act to abide the judgment of the court or otherwise to remain in full force and virtue said bond to be payable to the Commonwealth of Pennsylvania for the use of the county in which said conviction is had Said bond shall be returned to the court of quarter sessions and there held to abide the final disposition of the case Provided further That no such vehicle when in the custody of the law or of any officer shall be seized or taken therefrom on any writ of replevin or other like process

Section 3 If upon hearing it appears that any such vehicle has been used to store possess or transport any narcotic or drug the transportation or possession of which is unlawful such vehicle shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided

Section 4 In the case of any such vehicle seized and condemned as aforesaid the court shall order a public sale thereof by the sheriff of the county notice of which sale shall be given in the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias the proceeds of such sale to be paid to the county treasurer for the use of the county In the event that any such vehicle is when so seized held and possessed under a bailment lease or contract and the legal title thereto is in another person or in the event that any such vehicle is when so seized subject to the lien of a chattel mortgage or to a contract of conditional sale and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgagee or conditional seller for money due under said chattel mortgage or contract of conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided In case it appears at said hearing that the owner of any such vehicle has not been found within the jurisdiction of the court the sheriff shall give ten (10) days' notice of said sale by registered letter to the person if any whose name appears thereon as the manufacturer thereof together with the manufacturer's number if any appearing thereon

Section 5 (1) The proceedings for the forfeiture or condemnation of all vehicles the sale of which is provided for herein shall be in rem in which the Commonwealth shall be the plaintiff and the vehicle the defendant. A petition shall be filed in the court of quarter sessions of the peace verified by oath or affirmation of any officer or citizen containing the following (a) a description of the vehicle so seized (b) a statement of the time and place where seized (c) the owner if known (d) the person or persons in possession if known (e) an allegation that same had been used to store possess or transport narcotics or drugs the possession or transportation of which is in violation of a law of the Commonwealth (f) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth and condemned and be ordered sold according to law unless cause be shown to the contrary

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession

at the time of the seizure thereof Said copy shall have endorsed thereon a notice as follows

"To the Claimant of within Described Property

"You are required to file an answer to this petition setting forth your title in and right to possession of said vehicle within fifteen (15) days from the service hereof and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said vehicle"

Said notice shall be signed by the district attorney

(3) If the owner of said vehicle is unknown or outside the jurisdiction of the court and there was no person in possession of said vehicle when seized or such person so in possession can not be found within the jurisdiction of the court notice of said petition shall be given by the sheriff by an advertisement in a newspaper of general circulation published in the county where such vehicle shall have been seized once a week for three (3) successive weeks Said notice shall contain a statement of the seizure of said vehicle with a description thereof the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice which date shall not be less than twenty-one (21) days from the date of the first publication

(4) Upon the filing of any claim for said vehicle setting forth a right of possession thereof the case shall be deemed at issue and a time be fixed for the hearing thereof

(5) At the time of said hearing if the Commonwealth shall produce evidence that the vehicle in question was unlawfully used the burden shall be upon the claimant to show (a) that he is the owner of said vehicle or the holder of a chattel mortgage or contract of conditional sale thereon (b) that he lawfully acquired the same (c) that it was not unlawfully used or possessed by him and (d) in the event that it shall appear that the vehicle was unlawfully used by a person other than the claimant then such claimant shall show that such unlawful use was without his knowledge or consent

(6) Any person claiming the ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon any such vehicle the disposition of which is provided for herein may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto or his lien thereon or reservation of title thereto and if upon public hearing thereon due notice of which having been given to the district attorney such claimant shall prove by competent evidence to the satisfaction of the court that said vehicle was lawfully acquired possessed and used by him or if it appearing that the vehicle was unlawfully used by a person other than the claimant he shall prove that such unlawful use was without his knowledge or consent then the court may order the same returned or delivered to said claimant otherwise it shall be sold as hereinabove provided

(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing the right to such jury trial shall be deemed to have been waived

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 7 This act shall become effectively immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarraf,
Baughar,	Gerard,	McClester,	Scanlon,

Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyschaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C H.,	Hall,	McSurdy,	Sorg
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burriss,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Cadwenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherrington,	Moran,	Tate,
Cochran,	Helu,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Kerman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dairymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komoroski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliot,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1654, (Senate Bill No. 624), as follows:

An Act to further amend clause seven of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by increasing the minimum salaries of teachers in school districts of the fourth class and requiring the Commonwealth to make certain payments on account of such salaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause seven of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions

y which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-third day of May one thousand nine hundred twenty-three (P. L. 328) is hereby further amended to read as follows

Section 1210 One The minimum salaries of all teachers supervisors principals and superintendents in the public schools of the Commonwealth except as otherwise hereinafter provided shall be paid by the several classes of districts in which such persons are employed in accordance with the following schedules

Seven Districts of the fourth class Elementary teachers minimum [monthly salary one hundred dollars (\$100)] annual salary one thousand dollars (\$1,000) minimum annual increment fifty dollars (\$50) minimum number of increments two (2) high school teachers minimum monthly salary one hundred thirty dollars (\$130)] annual salary of one thousand two hundred dollars (\$1,200) minimum annual increment fifty dollars (\$50) minimum number of increments two (2)

In addition to the payments now required by law to be made by the Commonwealth to school districts of the fourth class on account of salaries of members of the teaching staff the Commonwealth shall pay for each elementary teacher the sum of two hundred dollars (\$200) annually plus the amount of the annual increments provided for by this subsection and for each high school teacher the sum of thirty dollars (\$30) annually plus the amount of the annual increments provided for by this subsection

Such payments shall be made in the same manner and at the same times as payments on account of salaries are now by law required to be made

Provided that the salaries of teachers employed under contract prior to the effective date of these amendments to annual salaries greater than the minimum salaries hereby prescribed shall in no case be decreased

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Chatterman,	Flynn,	Lovett,	Rose, W. E.,
uker,	Foor,	Lyons,	Rosenfeld,
aker,	French,	Malloy,	Royer,
althaser,	Gallagher,	Marks,	Rush,
augher,	Cates,	Maxwell,	Sarge,
entley,	Gerard,	McClanaghan,	Sarraf,
oles,	Gillan,	McClaster,	Scanlon,
oney,	Gillette,	McDermott,	Schwab,
orse,	Goodwin,	McDowell,	Serrill,
ower,	Greenwood,	McFall,	Shaffer,
radley,	Gross,	McGrath,	Shaw,
reth,	Gryskewicz,	McIntosh,	Shepard,
retherick,	Cyger,	McKinney,	Simons,
rown,	Habbyshaw,	McLanahan,	Skale,
runner, C. H.,	Haines,	McLane,	Snyder,
runner, P. A.,	Hall,	McMillen,	Sollenberger,
urns,	Hamilton,	McSurdy,	Sorg,
urris,	Hare,	Melchiorre,	Stambaugh,
adwalader,	Harkins,	Mihm,	Stank,
ervanak,	Harmuth,	Modell,	Stin,
udoff,	Harris,	Monks,	Stockham,
uchran,	Heatherington,	Mooney,	Tarr,
hen, M. M.,	Heim,	Moran,	Tate,
hen, R. E.,	Hering,	Moul,	Taylor,
ok,	Herman,	Muir,	Thompson, E. F.,
oper,	Hersch,	Munley,	Thompson, R. L.,
rdier,	Hewitt,	Nagel,	Trout,
rrigan,	Hirsch,	Nunemacher,	Turner,
oop,	Huntley,	O'Brien,	VanAllsburg,
illen,	Imbrie,	O'Dare,	Verona,
		O'Mullen,	

Dalrymple,
Dennison,
DiGenova,
Dix,
Dolon,
D'Ortona,
Duffy,
Early,
Eckels,
Elder,
Elliott,
Ely,
Falkenstein,
Finestone,
Finnerty,
Fisher,
Fiss,
Fleming,
Fletcher,

James,
Jefferson,
Jones, G. E.,
Jones, P. N.,
Keenan,
Kenehan,
Kline,
Knoble,
Kolankiewicz,
Komorowski,
Lee, E. A.,
Lee, T. H.,
Lelsey,
Leonard,
Lesko,
Levy,
Leydic,
Lichtenwalter,
Longo,

O'Neill,
Owens,
Petrosky,
Pettit,
Polaski,
Polen,
Powers,
Prosen,
Rank,
Readinger,
Reagan,
Reese, D. P.,
Reese, R. E.,
Regan,
Reynolds,
Rhea,
Riley,
Rooney,
Rose, S.,

Vincent,
Vogt,
Voldow,
Voorhees,
Watkins,
Welsh, M. J.,
Williams,
Winner,
Wolf,
Wood, L. H.,
Wood, N.,
Woodring,
Woodside,
Wright,
Yeakel,
Yester,
Young,
Kilroy,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1780, (Senate Bill No. 185), as follows:

An Act to further amend the act approved the fourth day of April one thousand nine hundred twenty-five (P. L. 127) entitled "An act relating to adoption" further regulating adoption proceedings as to the consent of and notice to be given to parents of the person proposed to be adopted as to who can be adopting parents and procedure at the adoption hearings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Sections one and two of the act approved the fourth day of April one thousand nine hundred twenty-five (P. L. 127) entitled "An act relating to adoption" as amended by the act approved the twenty-sixth day of April one thousand nine hundred twenty-nine (P. L. 822) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be lawful for any adult [citizen of this Commonwealth residing therein] person desirous of adopting any person either a minor or an adult as his or her heir or as one of his or her heirs to present his or her petition to the orphans' court or to a law judge thereof of the county where he or she may be resident or of the county in which the person to be adopted is a resident declaring such desire and that he or she will perform all the duties of a parent to such person Such petition shall also set forth the name age date and place of birth of the person proposed to be adopted the name residence and marital status of the adopting parent or parents; the name and place of residence of each of the natural parents or of the surviving parent or of any person whose consent to the proposed adoption is necessary as hereinafter provided and shall embody or have attached thereto the consents in writing of the person or persons whose consent to the proposed adoption is necessary as hereinafter provided

Section 2 Consents Necessary to Adoption Consent to the adoption is necessary as follows

(a) Of the person proposed to be adopted if over twelve years of age and of said person's husband or wife if any

(b) Of the adopting parent's husband or wife unless they jointly adopt such person

(c) Of the parents or surviving parent of the person proposed to be adopted if such person shall not have reached the age of eighteen years except that in the case of an illegitimate child the consent of the mother only is necessary unless the father has acknowledged such child but the consent of a parent who has been adjudged a lunatic or habitual drunkard or who has abandoned the child is unnecessary provided such fact is proven to the satisfaction of the court or judge hearing the petition in which case such court or judge shall so find as a fact

(d) If the person proposed to be adopted has no father or mother living or whose consent is necessary hereunder then of the legal guardian if any there be and of the person or persons having the legal custody of such child if any such person can be found but if such child has no father or mother living or whose consent is necessary hereunder and no legal guardian and no person can be found who has the legal custody of such child and the same be proven to the satisfaction of the court or judge hearing the petition the said court or judge shall so find as a fact

(e) If the person proposed to be adopted has theretofore been adopted then of such adopting parents or surviving adopting parent subject to the same exception provided in clause (c) of this section in the case of natural parents

Section 2 Said act is hereby amended by adding thereto after section two a new section to read as follows

Section 2.1 When the person proposed to be adopted shall have reached the age of eighteen years and has not reached the age of twenty-one years and such person shall have lived for at least ten continuous years with the adopting parent or parents consent of the parent or parents shall not be necessary and notice of the proposed adoption proceedings need not be given by publication or otherwise to the parent or parents of the person proposed to be adopted unless the court shall deem it necessary and so orders

When the person proposed to be adopted shall have reached the age of twenty-one years notice of the proposed adoption proceedings shall not be required to be given by publication or otherwise to such persons' parent or parents

Section 3 Section three of said act is hereby amended to read as follows

Section 3 Hearings Upon presentation of any such petition as aforesaid a time for hearing thereon shall be fixed not less than ten days from said presentation which said hearing may be before the said court or any law judge thereof at chambers and may be adjourned from time to time if the nature of the case should so require At said hearing the adopting parents or parent the person proposed to be adopted if in the opinion of the court such persons' presence is deemed necessary and all the persons whose consent is necessary hereunder must appear in person and be examined under oath by such court or judge but the personal appearance of the natural parents or other persons whose consent is necessary hereunder may be dispensed with in the discretion of the court or judge hearing the petition if such persons reside without the jurisdiction of the court or if for any other reason the said court or judge deem it unnecessary Provided the duly executed consent of such persons in writing have been filed with the petition and the said court or judge may in his discretion require the personal appearance of the natural parents of the child at a different time and separate and apart from that of the other parties in interest The said court or judge shall also hear any other testimony as to the facts set forth in the petition or necessary to inform the court as to the desirability of the proposed adoption and may also make or cause to be made an investigation by some person or agency specifically designated by said court or judge to verify the statements of the petition and such other facts as will give the court full knowledge as to the desirability of the proposed adoption

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flvnn,	Malloy,	Royer,
Auker,	Foor,	Marks,	Rush,
Baker,	French,	Maxwell,	Sarge,
Balthaser,	Gallagher,	McClanaghan,	Sarra,
Baughner,	Gates,	McClester,	Scanlon,
Bentley,	Gerard,	McDermott,	Schwab,
Boles,	Gillan,	McDowell,	Serrill,
Boney,	Gillette,	McFall,	Shaffer,
Boorse,	Goodwin,	McGrath,	Shaw,
Bower,	Greenwood,	McIntosh,	Shopard,
Bradley,	Gross,	McKinney,	Simons,
Breth,	Gryskewicz,	McLanahan,	Skale,
Bretherick,	Gyger,	McLane,	Snyder,
Brown,	Habbyshaw,	McMillen,	Sollenberger,
Brunner, C. H.,	Haines,	McSurdy,	Sorg,
Brunner, P. A.,	Hall,	Melchiorre,	Stambaugh,
Burns,	Hamilton,	Mihm,	Stank,
Burris,	Hare,	Modell,	Stine,
Cadwalader,	Harkins,	Monks,	Stockham,
Chervenak,	Harmuth,	Mooney,	Tarr,
Chudoff,	Harris,	Moran,	Tate,
Cochran,	Heatherington,	Moul,	Taylor,
Cohen, M. M.,	Helm,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Munley,	Thompson, R. L.,
Cook,	Herman,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hersch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dlx,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kilne,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwaller,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker
	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL PASSED OVER

There being no objection House Bill No. 1365, Printer No. 934, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1802, as follows:

An Act providing for and requiring in certain cases preference in appointments to public position for ho-

orably discharged persons who served in the military or naval service during any War in which the United States was engaged

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. The word "soldier" as used in this act shall be construed to mean a person male or female who served in the military or naval service of the United States during any war in which the United States was engaged and who has an honorable discharge from such service

Section 2. When any soldier shall take any civil service appointment or promotional examination for a public position under the Commonwealth or under any political subdivision thereof he shall be given credit in the manner hereinafter provided for the discipline and experience represented by his military training and for the loyalty and public spirit demonstrated by his service for the preservation of his country

Section 3. Whenever any soldier shall successfully pass a civil service appointment or promotional examination for a public position under the Commonwealth or any political subdivision thereof and shall thus establish that he possesses the qualifications required by law for appointment to or promotion in such public position such soldier's examination shall be marked or graded an additional Ten Points above the mark or grade credited for the examination and the total mark or grade thus obtained shall represent the final mark or grade of such soldier and shall determine his standing on any eligible or promotional list certified or furnished to the appointing or promoting power

Section 4. Whenever any soldier possesses the requisite qualifications and is eligible to appointment to or promotion in a public position where no such civil service examination is required the appointing power in making an appointment or promotion to a public position shall give preference to such soldier

Whenever any soldier possesses the requisite qualifications and his name appears on any eligible or promotional list certified or furnished as the result of any such civil service examination the appointing or promoting power in making an appointment or promotion to a public position shall give preference to such soldier notwithstanding that his name does not stand highest on the eligible or promotional list

In making an appointment or promotion to public office where such a civil service examination is required the appointing or promotional power may give preference to any soldier who has passed the required examination for appointment or promotion to such position and possesses the requisite qualifications although his name does not appear on the eligible or promotional list certified or furnished to the appointing or promoting power

Section 5. This act shall be construed as being the exclusive law applying to the Commonwealth and its political subdivisions in giving preference to soldiers in appointment or promotion to public position

Section 6. All acts and parts of acts inconsistent with this act are hereby repealed

Section 7. This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gillagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,

Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Welss,
D'Ortona,	Kline,	Powers,	Welsh, E. E.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SKALE asked and obtained permission for the Committee on Banking to meet during the session of the House.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows: House Bill No. 1324:

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

(This bill was amended in the Senate, Printer's No. 820. The amendments were removed Printer's No. 895 and the bill returned to the House in its original form.)

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarraf,
Baugher,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbysaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burriss,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kilne,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliot,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Elley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 811.

Mr. VanALLSBURG. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 811.

The SPEAKER. The report will lie over for printing under the rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. BROWN asked and obtained permission for the

Committee on Judiciary General to meet during the session of the House.

RESOLUTION

LIQUID FUELS

Mr. ROSENFELD offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

Whereas, A serious shortage of motor oils, gasoline and other liquid fuels threatens the entire eastern region of the United States; and

Whereas, The Press has carried stories that we in the east may be compelled to undergo "gaseless Sundays" because of such shortage; and

Whereas, At the present time, certain American oil producing companies are exporting liquid fuels and its derivatives to Japan and other countries; and

Whereas, The Secretary of the Interior, Harold Ickes, as coordinator of the Petroleum Products Division of our National Defense Program, has urged all such exports to cease; and

Whereas, We believe that "gasless Sundays" should occur only as a last resort; be it therefore

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania requests all manufacturers and producers of liquid fuels and its products in the Commonwealth of Pennsylvania to immediately cease from exporting any of such products; and be it further

Resolved, That the House of Representatives commends Secretary of Interior Ickes for his request to all petroleum products producers to cease their exporting of such products; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House to Secretary of the Interior Ickes, thereby conveying the desire of the House that he succeed in having such exports curtailed, and thereby avoid "gasless Sundays" in this Commonwealth.

HOUSE RESOLUTION No. 101

Mr. MAXWELL. Mr. Speaker, I desire to call up House Resolution No. 101, Printer's No. 1009.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 3, 1941.

Whereas, It is possible if one purchases a round trip ticket on any of the railroads of this Commonwealth for such passenger to disembark at intermediary points going to and from his destination without being compelled to purchase new railroad tickets and

Whereas, Present practice on the new Pennsylvania Turnpike is to refuse to permit motorists who have round trip tickets to leave the turnpike at intermediary interchanges and to return thereto without the payment of a new tariff and

Whereas If the practice were permitted of allowing such motorists to drive off at intermediary interchanges and to return to the turnpike without the payment of additional fares it would increase the use of the turnpike considerably and therefore add greatly to the revenue of said turnpike be it therefore

Resolved That the House of Representatives request the Pennsylvania Turnpike Commission to inaugurate a practice of allowing motorists holding round trip tickets to drive off the road at intermediary interchanges and to return to the turnpike without paying any additional fare and be it further

Resolved That a copy of this resolution be mailed by the Chief Clerk of the House of Representatives to the Chairman of the Pennsylvania Turnpike Commission

On the question,

Will the House adopt the resolution?

It was adopted.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1324.

An Act to further amend section thirty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further providing for ascertaining the change of classification of counties

Whereupon,
The SPEAKER, in the presence of the House, signed the same.

BILLS PASSED OVER

There being no objection House Bill No. 1231, Printer's No. 920, was passed over at the request of Mr. PETROSKY.
There being no objection House Bill No. 259, Printer's No. 964, was passed over at the request of the SPEAKER.
There being no objection House Bill No. 1765, Printer's No. 947, was passed over at the request of Mr. GATES.

BILLS ON THIRD READING

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 1777, (Senate Bill No. 174), entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions, and limitations of certain streets in cities of the second class, and second class A, and third class, as state highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities, and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases, and appropriating money in the Motor License Fund for the purposes of this act" by establishing additional routes in the City of Erie.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz;

YEAS—199

Achterman,	Foor.	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baugh,	Gerard,	McClester,	Scanlon,

Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Storkham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. J
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrle,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Vogt,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Folon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kilne,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elllott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 1791, (Senate Bill No. 724), entitled:

An Act to amend section four hundred one of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by providing for the length of the terms and the method of appointing the members of the boards

of trustees of various State Schools and Teachers Colleges enumerated.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz;

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Callagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliot,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodsie,
Flinnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1697, (Senate Bill No. 1222), entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities,

accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rent of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other building devised; the abatement and survival of actions; and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Lyons,	Rosenfeld,
Auker,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baughner,	Gates,	McClanaghan,	Sarra,
Bentley,	Gerard,	McClester,	Scanlon,
Boles,	Gillan,	McDermott,	Schwab,
Boney,	Gillette,	McDowell,	Serrill,
Boorse,	Goodwin,	McFall,	Shaffer,
Bower,	Greenwood,	McGrath,	Shaw,
Bradley,	Gross,	McIntosh,	Shepard,
Breth,	Gryskewicz,	McKinney,	Simons,
Bretherick,	Gyger,	McLanahan,	Skale,
Brown,	Habbyshaw,	McLane,	Snyder,
Brunner, C. H.,	Haines,	McMillen,	Sollenberger,
Brunner, P. A.,	Hall,	McSurdy,	Sorg,
Burns,	Hamilton,	Melchiorre,	Stambaugh,
Burris,	Hare,	Mihm,	Stank,
Cadwalader,	Harkins,	Modell,	Stine,
Chervenak,	Harmuth,	Monks,	Stockham,
Chudoff,	Harris,	Mooney,	Tarr,
Cochran,	Heatherington,	Moran,	Tate,
Cohen, M. M.,	Helm,	Moul,	Taylor,
Cohen, R. E.,	Hering,	Muir,	Thompson, E. F.,
Cook,	Herman,	Munley,	Thompson, R. L.,
Cooper,	Hersch,	Nagel,	Trout,
Cordier,	Hewitt,	Nunemacher,	Turner,
Corrigan,	Hirsch,	O'Brien,	Van Allsburg,
Croop,	Huntley,	O'Dare,	Verona,
Cullen,	Imbrie,	O'Mullen,	Vincent,
Dalrymple,	James,	O'Neill,	Vogt,
Dennison,	Jefferson,	Owens,	Voldow,
DiGenova,	Jones, G. E.,	Petrosky,	Voorhees,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dolon,	Keenan,	Polaski,	Weingartner,
D'Ortona,	Kenehan,	Polen,	Weiss,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
	Kolankiewicz,	Rank,	Williams,

Beckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliot,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1468, as follows:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriff's county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing Penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

Section 3 Definitions (a) the word "Commission" shall mean any registration commission having jurisdiction in any city of the second class

(b) "Commissioner" shall mean a member of a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal primary election unless otherwise specified

(e) "General election" shall mean the election which

the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the second class

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the second class

(n) "City" shall mean only a city of the second class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the second class or to those of any county within which such city is located or to any school district with which it is coextensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

(s) "County Election Board" or "County Board" shall mean the county board of elections of any county containing a city of the second class as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

(u) "Persons in military service" shall mean qualified electors of this Commonwealth who are or may be by enlistment enrollment or draft in actual military or naval service of the United States or any branch or unit thereof or in the military service of the Commonwealth

Section 2 Subsection (a) of section eighteen of the said act is hereby amended to read as follows

Section 18 Registration Cards Preparation and Distribution (a) For the purpose [or] of registering the quali-

fied electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section nineteen and nineteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section nineteen and one-tenth as the case may be

Registration Affidavit

State of Pennsylvania

ss

County of

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six [months] months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this day of
19....

.....
Signature of Voter

.....
Signature of Registrar

Section 3 The said act is amended by adding after section nineteen a new section nineteen and one-tenth to read as follows

Section 19.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for a registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following information (1) The surname of the applicant (2) His Christian name or names (3) His occupation if any on the date of entering military service (4) The street or road and number if any of his residence on the date of entering military service (5) If his residence was a portion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels (14) Whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of registration as hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or of any state or territory thereof and dated by such superior officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for

registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each such ward and district and the other data required to be given upon such removal (21) The date of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the election officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit in which I am enrolled or commissioned is with the rank of now located at that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

.....
Signature of applicant for registration

Sworn to and subscribed before me this
..... day of 19....

.....
Signature of superior officer or judge of
any court of record of the United States
or any state or territory thereof and a
statement of official position

(d) Upon written application by any person in military service to the registration commission having jurisdiction in the city in which the applicant resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such application Such person shall thereupon supply the information required on the registration card in duplicate and shall take the affidavit thereto in duplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured

(e) Registration in this manner by persons in military service may be made at any time Provided however That if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service Provided however That if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have been entitled to be registered but by continued residence would have become so entitled he shall be entitled to be registered at such time as he would have been so entitled had he not entered military service and had continued to reside where he then resided

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registrations are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence immediately prior to entering military service. The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card. If the commission finds the registration card not properly completed it shall reject it in the manner hereinafter provided.

Section 4 Section twenty-three of the said act is hereby amended to read as follows

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted. Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason of the rejection and shall sign his name thereto. The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected. Provided however That if the registration card was received by mail from a person in military service notice of rejection shall be by mail. All such cards shall be returned to the commission and shall be preserved for a period of two years.

Section 5 Section thirty-one of the said act is hereby amended to read as follows

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon.

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register.

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) above.

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector. Provided however That the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing upon the district register if such per-

son did reside at such address on the date of entering military service.

Section 6 Section thirty-seven of the said act is hereby amended by adding thereto subsection (h) to read as follows

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act. Persons in military service and by reason thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of this section insofar as they relate to the manner of voting.

Section 7 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Welss,
D'Ortona,	Kilne,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winnor,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliot,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1469, as follows:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" is hereby amended to read as follows

Section 3 Definitions (a) The word "Commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commission

(c) "Oaths" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote in each of said counties for any elected candidates and polled a total vote in the State equal to at

least two per centum of the largest entire vote cast in the State for any elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the third class

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(n) "City" shall mean only a city of the third class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district with which such city is coextensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

(s) "County Election Board" or "County Board" shall mean the county board of elections of any county as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

(u) "Persons in military service" shall mean qualified electors of this Commonwealth who are or may be by enlistment enrollment or draft in actual military or naval service of the United States or any branch or unit thereof or in the military service of the Commonwealth

Section 2 Subsection (a) of section eighteen of the said act is hereby amended to read as follows

Section 18 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section [eighteen] nineteen and nineteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section nineteen and one-tenth as the case may be

Registration Affidavit

State of Pennsylvania }
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall

be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of 19....

..... Signature of Voter
..... Signature of Registrar

Section 3 The said act is amended by adding after section nineteen a new section nineteen and one-tenth to read as follows

Section 19.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for a registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following information (1) The surname of the applicant (2) His Christian name or names (3) His occupation if any on the date of entering military service (4) The street or road and number if any of his residence on the date of his entering military service (5) If his residence was a portion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels (14) Whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of registration as hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or of any state or territory thereof and dated by such superior officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each such ward and district and the other data required to be given upon such removal (21) The date of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the election officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the

United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit which I am enrolled or commissioned is with rank of now located at that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

..... Signature of applicant for registration

Sworn to and subscribed before me this day of 19....

..... Signature of superior officer or judge of any court of record of the United States or any state or territory thereof and statement of official position

(d) Upon written application by any person in military service to the registration commission having jurisdiction in the city in which the applicant resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such application Such person shall thereupon supply the information required on the registration card in duplicate and shall take the affidavit thereto in duplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured

(e) Registration in this manner by persons in military service may be made at any time Provided however That if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service Provided however That if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have been entitled to be registered but by continued residence would have become so entitled he shall be entitled to be registered at such time as he would have been so entitled had he not entered military service and had continued to reside where he then resided

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registrations are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence on the date of entering military service The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card If the commission finds the registration card not properly completed it shall reject it in the manner hereinafter provided

Section 4 Section twenty-three of the said act is hereby amended to read as follows

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the rejection and shall sign his name there-to The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected Provided however That if the registration card was received by mail from a person in military service notice of rejection shall be by mail All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 5 Section thirty-one of the said act is hereby amended to read as follows

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section [thirty-one] thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector Provided however That the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing upon the district register if such person did reside at such address on the date of entering military service

Section 6 Section thirty-seven of the said act is hereby amended by adding thereto subsection (h) to read as follows

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act Persons in military service and by reason thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of this section insofar as they relate to the manner of voting

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman.	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burriss,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Wells,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winnier,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, David P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy,
Flynn,	Lyons,	Rosenfeld,	Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1805, (Senate Bill No. 697), as follows:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section one of article nine of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 1 All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and personal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines Uniformity shall not be required in the case of income gift and inheritance taxes which may be graded or graduated and provide for exemption but all such taxes shall be levied and collected under general laws

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrle,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Poliski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Elv,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lisko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydie,	Riley,	Yester,
Fiss,	Lichtenwaiter,	Roney,	Yeakel,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy
Flynn,	Lyons,	Rosenfeld,	Speaker

NAYS—0

BILL PASSED OVER

There being no objection House Bill No. 1573, Senate Bill No. 30, Printer's No. 455, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1828, (Senate Bill No. 787), as follows:

An Act to further amend the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossing of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by exempting certain transportation from the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle" further regulating the right to render service as a contract carrier by motor vehicle prohibiting the imposition of costs upon the commission in certain appeals to the Superior Court subjecting persons and corporations to certain civil penalties for violating the act prohibiting motor carriers common carriers by airplane and any operator or employee of such carriers and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers and changing the penalty with respect thereto and eliminating the re-

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

quirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause six of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporation or municipal corporation subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" as last amended by the acts approved the fifteenth day of June one thousand nine hundred and thirty-nine (P. L. 390) and the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 636) is hereby further amended to read as follows

Section 2 Definitions The following words terms and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise

(6) "Common Carrier by Motor Vehicle" means any common carrier who or which holds out or undertakes the transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes any motor vehicle with or without driver for transportation or for use in transportation of persons or property as aforesaid and shall include common carriers by rail water or air and express or forwarding public utilities in so far as such common carriers or such public utilities are engaged in such motor vehicle operations but shall not include (a) a lessor under a lease given on a bona fide sale

of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) [any person or corporation who or which provides or furnishes] transportation of school children [exclusively] in any motor vehicle owned by any school district or operated under contract with any school district which transportation is lawfully paid for by the school district from district funds or (c) any owner or operator of a farm transporting agricultural products from or farm supplies to such farm or any independent contractor or cooperative agricultural association hauling agricultural products or farm supplies exclusively for one or more owners or operators of farms [(c)] (d) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of ashes rubbish excavated and road construction materials [(b)] (e) transportation of property by the owner to himself or to purchasers directly from him in vehicles owned and operated by the owner of such property and not otherwise used in transportation of property for compensation for others

Section 2 Clause seven of section two of said act as amended by the act approved the fifteenth day of June one thousand nine hundred and thirty-nine (P. L. 387) is hereby further amended to read as follows

Section 2 Definitions The following words terms and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise

* * * *

(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes with or without drivers any motor vehicle for such transportation or for use in such transportation other than as a common carrier by motor vehicle but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any bona fide agricultural cooperative association transporting property exclusively for the members of such association on a nonprofit basis or any independent contractor hauling exclusively for such association or (c) any owner or operator of a farm transporting agricultural products from or farm supplies to such farm or any independent contractor hauling agricultural products or farm supplies exclusively for one or more owners or operators of farms (d) [any person or corporation who or which provides or furnishes] transportation of school children [exclusively] in any motor vehicle owned by any school district or operated under contract with any school district which transportation is lawfully paid for by the school district from district funds or (e) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of ashes rubbish excavated or road construction materials

Section 3 Subsection (a) of section eight hundred and four section one thousand one hundred and seven and one thousand three hundred and one of said act are hereby amended to read as follows

Section 804 Permit Required of Contract Carriers (a) No person or corporation shall engage in the business of rendering service as a contract carrier by motor vehicle unless there is in force with respect to such carrier a permit issued by the commission authorizing such person or corporation to engage in such business Provided That if any such carrier or a predecessor in interest was rendering service as a bona fide contract carrier by motor vehicle upon the effective date of this act over any route or within the territory for which application is made and has rendered such service since that date or if engaged in furnishing only seasonal service was doing so on such date during the season ordinarily covered by his service the commission shall issue such permit without further proceedings if application for such permit is made to the commission as provided in paragraph (b) of this section and within one hundred twenty days after the effective date of

this act Otherwise the application for such permit shall be determined by the commission in accordance with the provisions of paragraph (b) of this section During the aforesaid period of one hundred twenty days and pending the determination of any such application the continuance of such service of the applicant shall be lawful

Section 1107 Record on Appeal Scope of Inquiry and Disposition of Costs Any appeal to the Superior Court shall be determined upon the record certified by the commission to the court All evidence in such record so certified may be considered by the court regardless of any technical rule which might have rendered the same inadmissible if originally offered in the trial of an action at law

The court may dismiss the appeal or vacate the order complained of in whole or in part In case the order is wholly or partly vacated the court may also in its discretion remand the matter to the commission for such further proceedings not inconsistent with the decree as in the opinion of the court justice may require The order of the commission shall not be vacated or set aside either in whole or in part except for error of law or lack of evidence to support the finding determination or order of the commission or violation of constitutional rights The costs resulting from any appeal shall be upon the appellant unless the court shall make other disposition of the costs in its decree The costs resulting from any appeal may not be imposed on the commission except in cases where the complaint or proceeding was instituted by the commission

Section 1301 Civil Penalties for Violations by Public Utilities (a) If any public utility or any other person or corporation subject to this act shall violate any of the provisions of this act or shall do any matter or thing herein prohibited or shall fail omit neglect or refuse to perform any duty enjoined upon it by this act or shall fail omit neglect or refuse to obey observe and comply with any regulation or final direction requirement determination or order made by the commission or any order of the commission prescribing temporary rates in any rate proceeding or to comply with any final judgment order or decree made by any court such public utility person or corporation for such violation omission failure neglect or refusal shall forfeit and pay to the Commonwealth of Pennsylvania the sum of fifty dollars to be recovered by an action of assumpsit instituted in the name of the Commonwealth of Pennsylvania in the court of common pleas of Dauphin County which court is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine all such actions In construing and enforcing the provisions of this section the violation omission failure neglect or refusal of any officer agent or employee acting for or employed by any such public utility person or corporation shall in every case be deemed to be the violation omission failure neglect or refusal of such public utility person or corporation

(b) Each and every day's continuance in the violation of any regulation or final direction requirement determination or order of the commission or if any order of the commission prescribing temporary rates in any rate proceeding or of any final judgment order or decree made by any court shall be a separate and distinct offense Provided however That if any interlocutory order of super-sedeas or a preliminary injunction be granted no penalties shall be incurred or collected for or on account of any act matter or thing done in violation of such final direction requirement determination order or decree so superseded or enjoined for the period of time such order of super-sedeas or injunction is in force

Section 4 Section one thousand three hundred and eleven of said act as amended by the act approved the twenty-eighth day of September one thousand nine hundred and thirty-eight (P. L. 44) is hereby further amended to read as follows

Section 1311 Violations by Motor Carriers Common Carriers by Airplane or Brokers Any person or corporation operating as a motor carrier or as a common carrier by airplane [or] and any operator or employee of such carrier and any person or corporation operating as a broker without [first having obtained] a certificate of public convenience permit or license authorizing the service performed as required by this act shall upon conviction of a

first or second offense in a summary proceeding before any person having the power of a committing magistrate be sentenced to pay the costs of prosecution and a fine of not less than twenty-five dollars nor more than three hundred dollars and any subsequent offense by such person or corporation shall constitute a misdemeanor and upon conviction thereof such person or corporation shall be sentenced to pay the costs of prosecution and a fine of not less than one hundred dollars nor more than five hundred dollars or undergo imprisonment not exceeding six months or both in the discretion of the court Whenever imprisonment is imposed under this section the term "person" or "corporation" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

Section 5 Section one thousand three hundred and fifteen of said act as added by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 636) is hereby amended to read as follows

Section 1315 Penalties for Violations by Officers Agents Employees Shippers or Consignees Any person whether carrier shipper consignee or broker or any officer employee agent or representative thereof who shall knowingly offer grant or give or solicit accept or receive any rebate concession or discrimination in violation of any provision of this act with respect to motor carriers or who by means of false statements or representations or by use of false or fictitious bill bill of lading receipt voucher roll account claim certificate affidavit deposition lease or bill of sale or by any other means or device shall knowingly and wilfully assist suffer or permit any person or persons natural or artificial to obtain transportation of property by motor carrier subject to this act for less than the applicable rate fare or charge or who shall knowingly and wilfully by any such means or otherwise [fraudulently] seek to evade or defeat regulation in this act provided for motor carriers or brokers shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than fifty (\$50) dollars for the first offense and not more than one hundred (\$100) dollars for any subsequent offense

Section 6 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarras,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Fradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burriss,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Herlug,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vost,
Dairymple,	Jefferson,	Owens,	Voldow,

Dennison,	Jones, G. E.,	Petrofsky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winnner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Elly,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL PASSED OVER

There being no objection House Bill No. 1603, Senate Bill No. 169, Printer's No. 453, was passed over at the request of Mr. FLEMING.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 846, as follows:

An Act requiring school boards in all school districts to grant leaves of absence to all school employes who shall volunteer or be called for military naval or similar service under the Selective Service Law of 1940 or subsequent laws of the United States of America and to all school employes in the National Guard land or naval reserve forces who shall be called for active duty preserving certain contracts salaries increments retirement rights seniority State contributions and grants to local school boards eligibility lists re-employment requiring school boards to employ substitutes in place of such employes reserving all rights and privileges of employes granted leaves of absence under the provisions herein superseding or repealing all contrary laws

Th General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Congress of the United States of America has enacted and the President of the United States has approved a statute entitled "An act to provide for the common defense by increasing the personnel of the armed forces of the United States and providing for its training" in which it is provided that certain male citizens of the United States shall be liable for training and service in the land or naval forces of the United States under a system of compulsory selective induction into such forces

Under said statute and subsequent statutes of the United States of America and under the laws of the United States concerning the National Guard and the land and naval reserve forces employes of the various school districts in the Commonwealth of Pennsylvania may volunteer or be selected and assigned to military naval or similar service in defense of this nation

It is Hereby Declared To be The Intention of this act that such employes so affected shall retain all of the rights privileges and emoluments they shall have ac-

quired prior to assignment to service under said Federal statutes or any such rights privileges and emoluments they would have acquired or received if they had not been assigned to such service it is intended that such employes assigned to such service shall be considered in all respects to be continuing in the service of the school board for which they were last working prior to such assignment to military naval or similar service

Section 2 (a) Any employe of any school dsitric within the Commonwealth who shall volunteer or be called for service under the Federal Selective Service Act of 1940 or any act of Congress of the United States enacted subsequent hereto or who shall be called to active duty by reason of membership in the National Guard or the land or naval reserve forces shall within five days of the receipt of notice to said effect send a copy of such notice to the secretary of the school board by which he is employed upon induction into such service said employe shall within five days thereof send notice in writing thereof to the secretary of the said school board

(b) The secretary of the school board shall verify the information contained in the notice from any employe concerning selection or induction into military naval or similar service and upon verification of such facts shall record the same in the records of the school board and send notice thereof to said employe

(c) Without further action by the board of school directors the employe inducted into military naval or similar service shall forthwith be considered to be upon leave of absence for the entire duration of such service all rights and privileges shall be reserved to such employe as if he continued in the service of said school board provided however that no such leave of absence shall be granted unless said employe shall in writing agree upon termination of the said leave to return to employment in said school district for a period of not less than one school year

Section 3 (a) Wherever a contract is required by law and wherever a contract actually exists between the school board and the employe the same shall be considered to continue in full force and effect during said leave of absence

(b) Upon termination of the military naval or similar service into which the employe was inducted the school board shall immediately return said employe to the same position in the same school or schools from which said employe was granted leave of absence

(c) During the leave of absence under the aforesaid conditions the school board shall be required to pay to the employe or his nominee the difference between his regular salary and the salary paid to any substitute employe temporarily engaged because of such absence

(d) Increments shall not be abated during the said leave of absence but shall continue to accrue to such employes

(e) In all cases where an employe's regular salary and that paid to a substitute temporarily engaged in his absence in the same then during such leave of absence the school board shall continue to pay the required amount to the retirement fund in behalf of the said employe so that such employe's retirement rights in no way be affected by such leave of absence

(f) The period of said leave of absence shall be considered as service to the school board in the matter of seniority rights and credit toward the time necessary for sabbatical leave Such leave shall not be regarded as a Sabbatical Leave

Section 4 During the period of said leave of absence the Commonwealth shall pay the school board the full amount of State contribution or grant as if the said employe were performing the services for the said school board it shall be the duty of the said school board to apply said funds toward the payment of the salary of the employe on such leave of absence

Section 5 Whenever an employe is granted a leave of absence under the provisions of this act the school board shall be required to employ a substitute for each such temporary vacancy created

Section 6 (a) No person who shall have acquired a place upon the eligibility list for any position in any school district shall suffer the loss of such listing and the position thereon as the result of such induction into military naval or similar service it shall be the duty of the school board to provide a fair and equitable method of preserving rights of such persons

(b) Any person who shall have been inducted into the military naval or similar services as aforesaid and whose name shall be reached upon said eligibility lists for any position in any school district shall be appointed to said position as if such person were in fact available for actual service in said position and such person shall be so notified by the secretary of the school board of said district and thereafter all of the provisions of this act shall apply

Section 7 For the purposes herein provided this act shall supersede any act or acts of Assembly contrary hereto

Section 8 This act shall become effective immediately upon final enactment any employee inducted into military naval or similar service as aforesaid prior to the final enactment hereof shall nevertheless be entitled to all of the benefits hereof

Section 9 This act shall apply to female employees of all school districts inducted into the military naval or similar services under the laws of the United States of America

Section 10 The provisions of this act are severable if any provision shall be construed or deemed to be in violation of the Constitution of the Commonwealth or of the United States or otherwise invalid then the other provisions herein shall not be affected thereby but shall be enforced

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Rush,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarra,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baughner,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Boles,	Gillette,	McDowell,	Shaffer,
Boney,	Goodwin,	McFall,	Shaw,
Boorse,	Greenwood,	McGrath,	Shepard,
Bower,	Gross,	McIntosh,	Simons,
Bradley,	Gryskewicz,	McKinney,	Skale,
Breth,	Cyger,	McLanahan,	Snyder,
Bretherick,	Habbyshaw,	McLane,	Sollenberger,
Brown,	Haines,	McMillen,	Sorg,
Brunner, C. H.,	Hall,	McSurdy,	Stambaugh,
Brunner P. A.,	Hamilton,	Melchiorre,	Stank,
Burns,	Hare,	Mihm,	Stine,
Burris,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chervnak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Heim,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Munley,	Trout,
Cook,	Hersch,	Nagel,	Turner,
Cooper,	Hewitt,	Nunemacher,	VanAllsburg,
Cordier,	Hirsch,	O'Brien,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dairymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Watkins,
DiGenova,	Jones, P. N.,	Pettit,	Weingartner,
Dix,	Keenan,	Polaski,	Weiss,
Dolon,	Kenehan,	Polen,	Welsh, E. B.,
D'Ortona,	Kline,	Prosen,	Welsh, M. J.,
Duffy,	Knoble,	Rank,	Williams,
Early,	Kolankiewicz,	Readinger,	Winner,
Eckels,	Komorowski,	Reagan,	Wolf,

Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Lelsey,	Regan,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fliss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy,
Fletcher,	Lovett,	Rosenfeld,	Speaker.
Flynn,	Lyons,	Royer,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1675, (Senate Bill No. 566), entitled:

An Act to amend clause (b) of section twenty-seven of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefore and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by further regulating the discharge of charges on real estate

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,

Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyslaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervensak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Heim,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley	Thompson, R. L.,
Cook,	Hersch,	Nagel	Trout,
Cooper,	Hewitt,	Nunemacher	Turner,
Cordier,	Hirsch,	O'Brien,	VanAlsbury,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenahan,	Polen,	Welss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Leisey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yeater,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy,
Flynn,	Lyons,	Rosenfeld,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

BILLS PASSED OVER

There being no objection House Bill No. 1216, Printer's No. 986, was passed over at the request of Mr. WOODSIDE.

There being no objection House Bill No. 1727, Printer's No. 957, and House Bill No. 1728, Printer's No. 958, were passed over at the request of Mr. ACHTERMAN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 539, as follows:

An Act to further amend section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by exempting certain property from execution in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" as amended in part by the act approved the ninth day of June one thousand nine hundred thirty-nine (P. L. 310) is hereby further amended to read as follows

Section 4 Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance (a) The real and personal property of any indigent person except life insurance policies to the extent provided in subsection (c) of this section shall be liable for the expenses of his support maintenance assistance and burial incurred by any public body or public agency if such property was owned during the time such expenses were incurred or if the right to ownership of such property existed or was acquired during the time such expenses were incurred Any public body or public agency may sue for moneys so expended and any judgment obtained shall be a lien upon the real estate of such indigent person and be collected as other judgments except as to the real and personal property comprising the home and furnishings of such indigent person which home shall be subject to the lien of such judgment but shall not be subject to execution on such judgment during the lifetime of the indigent person surviving spouse or dependent children

(b) Any claim for the expenses of support maintenance assistance and burial of an indigent person held by any public body or public agency shall have the same force and effect against the real estate of a deceased indigent person as other debts of a decedent and shall be ascertained and recovered in the same manner

(c) Any indigent person being uninsurable or the head of a family or the principal wage earner may maintain policies of whole life limited payment or endowment at age eighty-five life insurance on his own life in an amount not in excess of seven hundred and fifty dollars (\$750.00) and on the life of any other member of his family in an amount not in excess of five hundred dollars (\$500.00) and any indigent person may maintain United States Government insurance in any amount without effect on eligibility for assistance Exemption above these amounts may further be made by action of each county board of assistance Any such policies or any rights thereunder shall not be liable for the expenses of the support maintenance or assistance of any such indigent person incurred by any public body or public agency All assignments of any such policies heretofore made to the Department of Public Assistance or to any other public body or public agency up to the above amounts is hereby cancelled and such policies and all rights thereunder shall immediately be reassigned to the insured All policies of endowment insurance other than endowment at age eighty-five shall (if the insured is otherwise qualified) be converted immediately into whole life or limited life policies in order to bring the same within the provisions of this subsection

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third, time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
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Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Buorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Fall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stine,
Burris,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chervenak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Munley,	Trout,
Cook,	Herach,	Nagel,	Turner,
Cooper,	Hewitt,	Nunemacher,	VanAlaburg,
Cordier,	Hirsch,	O'Brien,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dairymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Watkins,
DiGenova,	Jones, P. N.,	Pettit,	Weingartner,
Dix,	Keenan,	Polaski,	Weiss,
Dolon,	Kenehan,	Polen,	Welsh, E. B.,
D'Ortona,	Kilne,	Powers,	Welsh, M. J.,
Duffy,	Knoble,	Prosen,	Williams,
Early,	Kolankiewicz,	Rank,	Winner,
Eckels,	Komorowski,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliot,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Lelsey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fias,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy, Speaker
Flatcher,	Lovett,	Rose, W. E.,	
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1465, as follows:

An Act to amend the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and

providing for the registration of persons in military service before they shall be entitled to vote at any election

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers department and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

Section 2 Definitions (a) The word "Commission" shall mean any registration commission having jurisdiction in boroughs towns and townships

(b) "Commissioner" shall mean a county commissioner acting as a member of the registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any borough town or township

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(m) "County" shall mean any county of this Commonwealth

(n) "Public office" shall mean and include any National State judicial county city borough town township

school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(o) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(p) "District" shall mean any election district or precinct of a borough town or township

(q) All references to police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school districts and other officials of counties boroughs towns townships and school districts where not otherwise specified shall refer only to those of any borough town or township or to those of any county within which such borough town or township is located or to any school district containing contained in or coextensive with any borough town or township

(r) "County election board" or "county board" shall mean the county board of elections of any county as now or hereafter provided for by the election laws of this Commonwealth

(s) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

(t) "Persons in military service" shall mean qualified electors of this Commonwealth who are or may be by enlistment enrollment or draft in actual military or naval service of the United States or any branch or unit thereof or in the military service of the Commonwealth

Section 2 Subsection (a) of section seventeen of the said act is hereby amended to read as follows

Section 17 Registration Cards Preparation and Distribution

(a) For the purpose of registering the qualified electors of each borough town or township the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen and section eighteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section eighteen and one-tenth as the case may be

Registration Affidavit

State of Pennsylvania } ss
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of 19....

.....
Signature of Voter

.....
Signature of Registrar

Section 3 The said act is amended by adding after section eighteen a new section eighteen and one-tenth to read as follows

Section 18.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

tion to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for a registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following information (1) The surname of the applicant (2) His Christian name or names (3) His occupation if any on the date of entering military service (4) The street or road and number if any of his residence on the date of entering military service (5) If his residence was a portion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of registration as hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or of any state or territory thereof and dated by such superior officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the borough town township ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each borough town or township and the other data required to be given upon such removal (21) The date of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the election officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit in which I am enrolled or commissioned is with the rank of now located at that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

.....
Signature of applicant for registration

Sworn to and subscribed before me this day of

19....

Signature of superior officer or judge of any court of record of the United States or any state or territory thereof and statement of official position

(d) Upon written application by any person in military service to the registration commission having jurisdiction in the borough town or township in which the applicant last resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such application Such person shall thereupon supply the information required on the registration card in duplicate and shall take the affidavit thereto in duplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured

(e) Registration in this manner by persons in military service may be made at any time Provided however That if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service Provided however That if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have entitled to be registered but by continued residence would have become so entitled he shall be entitled to be registered at such time as he would have been so entitled had he not entered military service and had continued to reside where he then resided

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registrations are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence on the date of entering military service The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card If the commission finds the registration card not properly completed it shall reject it in the manner hereinafter provided

Section 4 Section twenty-two of the said act is hereby amended to read as follows

Section 22 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant of his application for registration is rejected Provided however That if the registration card was received by mail from a person in military service notice of rejection shall be by mail All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 5 Section thirty of the said act is hereby amended to read as follows

Section 30 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the boroughs towns and townships by either of the methods provided for in subsections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employee to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector Provided however That the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing upon the district register if such person did reside at such address on the date of entering military service

Section 6 Section thirty-six of the said act is hereby amended by adding thereto subsection (h) to read as follows

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act Persons in military service and by reason thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of this section insofar as they relate to the manner of voting

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Lyons,	Rosenfeld,
Auker,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baughner,	Gates,	McClanaghan,	Sarraf,
Bentley,	Gerard,	McClester,	Scanlon,
Boles,	Gillan,	McDermott,	Schwab,
Boney,	Gillette,	McDowell,	Serrill,
Boorse,	Goodwin,	McFall,	Shaffer,
Bower,	Greenwood,	McGrath,	Shaw,
Bradley,	Gross,	McIntosh,	Shepard,
Breth,	Gryskewicz,	McKinney,	Simons,
Bretherick,	Gyger,	McLanahan,	Skale,
Brown,	Habbyshaw,	McLane,	Snyder,
Brunner, C. H.,	Haines,	McMillen,	Sollenberger,

Brunner, P. A.	Hall,	McSurdy.	Sorg.
Burns,	Hamilton,	Melchiorre,	Stambaugh,
Burris,	Hare,	Mihm,	Stank,
Cadwalader,	Harkins,	Modell,	Stine,
Chervenak,	Harmuth,	Monks,	Stockham,
Chudoff,	Harris,	Mooney,	Tarr,
Cochran,	Heatherington,	Moran,	Tate,
Cohen, M. M.,	Helm,	Moul,	Taylor,
Cohen, R. E.,	Hering,	Muir,	Thompson, E. F.,
Cook,	Herman,	Munley,	Thompson, R. L.,
Cooper,	Hersch,	Nagel,	Trout,
Cordier,	Hewitt,	Nunemacher,	Turner,
Corrigan,	Hirsch,	O'Brien,	Van Allsburg,
Croop,	Huntley,	O'Dare,	Verona,
Cullen,	Imbrie,	O'Mullen,	Vincent,
Dalrymple,	James,	O'Neill,	Vogt,
Dennison,	Jefferson,	Owens,	Voldow,
DiGenova,	Jones, G. E.,	Petrosky,	Voorhees,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dolon,	Keenan,	Polaski,	Weingartner,
D'Ortona,	Kenehan,	Polen,	Weiss,
Duffy,	Kilne,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rank,	Williams,
Elder,	Komorowski,	Readinger,	Winner,
Elliott,	Lee, E. A.,	Reagan,	Wolf,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Lelsey,	Reese, R. E.,	Wood, N.,
Finestone,	Leonard,	Regan,	Woodring,
Finnerty,	Lesko,	Reynolds,	Woodside,
Fisher,	Levy,	Rhea,	Wright,
Fiss,	Leydic,	Riley,	Yeakel,
Fleming,	Lichtenwalter,	Rooney,	Yester,
Fletcher,	Longo,	Rose, S.,	Young,
	Lovett,	Rose, W. E.,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 753, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire certain land adjacent to and for the use of the Scranton State Hospital providing for the improvement and use thereof authorizing the City of Scranton to pay the costs of such improvements in whole or in part and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor and the Department of Welfare is hereby authorized to acquire by gift purchase or condemnation in the name of the Commonwealth two strips of land adjoining the Scranton State Hospital in the City of Scranton the one abutting on Raymond Court between Mulberry Street and Vine Street a distance of three hundred feet more or less and the other contiguous to the present property of said hospital between Franklin Avenue and Raymond Court a distance of one hundred fifty feet more or less both strips of a depth of fifty feet No parts of such land shall be acquired until the titles thereto have been approved by the Department of Justice Such land when acquired shall be added to the lands of the Scranton State Hospital The deeds of conveyance shall be deposited with the Secretary of Internal Affairs

Section 2 Said land when acquired shall be beautified and improved for use in connection with said hospital as an automobile parking area and as a park for convalescent patients Such beautification and improvement may be undertaken by the city of Scranton and the municipal authorities of said city are hereby authorized to appropriate and expend such sums as they deem neces-

sary for the improvement of such land in cooperation with or in conjunction with any Federal or State agency The costs thereof may be paid in whole or in part out of funds supplied by the Work Projects Administration or other Federal or State agency

Section 3 The sum of thirty-five thousand dollars (\$35,000) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the cost of acquiring said property and the expenses incident thereto including title searches and for the improvement and beautification thereof after being acquired

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Mark,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Botes,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kilne,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker.
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to or

The House proceeded to the third reading and consideration of House Bill No. 1484, as follows:

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by extending provisions to include certain provisional employes of the Commonwealth of Pennsylvania in its civil service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any appointive officer or employe regularly employed or provisionally employed if such provisional employment has continued for a period of nine months or more by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or who is regularly employed by any county municipality township or school district within the Commonwealth shall in time of war or contemplated war enlist enroll or be drafted in the military or naval service of the United States or any branch or unit thereof he shall not be deemed or held to have thereby resigned from or abandoned his said office or employment nor shall he be removable therefrom during the period of his service but the duties of his said office or employment shall if there is no other person authorized by law to perform the powers and duties of such officer or employe during said period be performed by a substitute who shall be appointed by the same authority who appointed such officer or employe if such authority shall deem the employment of such

substitute necessary Such substitute shall receive so much of the salary or wages attached to said office or employment as shall not be paid to the dependent or dependents of said office or employe as hereinafter provided and such substitute may receive such further compensation from appropriations made for that purpose or otherwise as may be required when added to the amount received under the provisions of this act to constitute a reasonable compensation for his services in the opinion of the authority appointing him

The benefits of this act shall include all such provisional employes who have been employed nine months or more and who have been inducted into the armed forces of the United States under the provisions of the Selective Service Act of 1940 or who have enlisted in such armed forces after the first day of September one thousand nine hundred and forty

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarrs,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Brethrick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Meichlorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burtis,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
Digenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. E.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	W'nnar,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliot,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker.
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1661, as follows:

An Act to amend section three of the act approved the tenth day of May one thousand nine hundred and thirty-nine (P. L. 111) entitled "An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws" providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resources industries located preponderantly within the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the tenth day of May one thousand nine hundred thirty-nine (P. L. 111) entitled "An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws" is hereby amended to read as follows

Section 3 The Department of Commerce shall have the power and its duty shall be

(1) To investigate study and undertake ways and means of promoting and encouraging the prosperous development and protecting the legitimate interests and welfare of Pennsylvania business industry and commerce within and without the Commonwealth

(2) To investigate study and undertake ways and means of expanding markets and promoting and developing new markets for Pennsylvania products

(3) To promote and encourage the location and development of new business industries and commerce within the Commonwealth

(4) To investigate and study conditions affecting Pennsylvania business industry and commerce and to collect and disseminate information and engage in technical studies scientific investigations and statistical research and educational activities necessary or useful for the proper execution of its duties in promoting and developing Pennsylvania business industry and commerce within and without the Commonwealth

(5) To cooperate with and assist persons firms associations corporations cooperative associations and other organizations and the political subdivisions of the Commonwealth in the execution of its duties and functions under this act

(6) To make to the General Assembly from time to time recommendations for the remedy or improvement of any conditions and the elimination of any restrictions and burdens imposed by law or otherwise existing which adversely affect or retard the development and expansion of business industry or commerce

(7) To initiate promote and conduct or cause to be conducted research designed to further new and more extensive uses and consumption of natural and other resources and their by-products and for such purposes to enter into contracts and agreements with research laboratories maintained by educational or endowed institutions

in this Commonwealth and to expend appropriations made to the department for such purposes

(8) To investigate and study conditions of unemployment and to recommend specific remedies for the alleviation of such conditions and aid in restoring employment in communities affected thereby in order that the burden of public relief may be lessened

(9) To aid and promote the elimination of unfair competition and trade practices tending to impair price stability and which are harmful to the financial soundness of business industry and commerce and to the wages and working conditions of employees

(10) To encourage and develop commerce with other states and foreign countries and to devise ways and means of removing trade barriers hampering the free flow of commerce between this and other states

(11) To cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business industry and commerce

(12) (a) To promulgate a "Production Control" plan or plans or amendments thereof upon written petition and with the approval of Pennsylvania producers of seventy-five per centum of the Pennsylvania output of any United States mineral resource industry located preponderantly within the Commonwealth or to adopt and promulgate any such plan or plans in operation at the time of the enactment of this act with the sanction of Pennsylvania producers of seventy-five per centum of the Pennsylvania output of such industry and to administer or secure the cooperation of others including State officers producers' representatives or employees' representatives in any industry where there are general collective bargaining arrangements in administering such plan or plans or amendments thereof upon a voluntary basis Provided however that no production control plan or rules or regulations relating thereto shall apply to producers who are not petitioning producers or who do not otherwise assent to the production control plan promulgated and adopted

(b) A "Production Control" within the meaning of this act is any system of regulated production in any industry as above defined which currently controls the daily weekly or monthly volume of allowable production of said industry in Pennsylvania for the purpose of adequately supplying market demand avoiding waste of mineral resources or the exploitation thereof without adequate return to the Commonwealth her political subdivisions and people protecting capital invested therein from unwise depletion and dissipation promoting employment and security for the payment of wages and benefits to those employed in such industry and achieving other express purposes of the Commerce Law (1) by allocating or apportioning to each producer in the industry a fair and equitable distributive portion of the total allowable production (2) by providing for the adjustment of inequities in assigned distributive portions and for fair and equitable adjustments of distributive portions whenever transfers of mineral properties or facilities take place between or among producers based upon the position in the industry fairly and equitably attributable to such properties or facilities (3) by providing for the admission under such plan of new operations and for the assignment of a fair and equitable distributive portion of the total allowable production to such operations (4) by providing where applicable for the establishment of fair and equitable standards of preparation to ensure purity and proper sizing and grading of the product (5) and also by establishing and providing for reasonable rules and regulations to effectuate such control plan

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SCHWAB. Mr. Speaker, instead of making a speech I offer a script.

The SPEAKER. The remarks of the gentleman will be noted in full on the Journal of the House.

EXTENDED REMARKS OF MR. SCHWAB

Mr. SCHWAB. Mr. Speaker the anthracite industry had for some years been experiencing a diminishing market due to the inroads of competitive fuels. In the year 1939 it found itself with a productive capacity 50% in excess of that required to meet market demands. This brought about chaotic conditions within the industry and it faced almost complete bankruptcy. Producers were unable to meet tax obligations, social security and unemployment taxes went unpaid, and the communities as well as the producers were fast reaching the state of insolvency. In a ten year period, working capital of the industry decreased from more than \$100,000,000 to less than \$10,000.00, and the average working time of its 100,000 employes had decreased from 225 days per year to 171 days.

In an effort to bring about an end to this chaos, labor and operators with the cooperation of the State in the early part of 1940 wholeheartedly agreed to a program which tended to relate production to market demand. This program, a voluntary one, has brought about a marked degree of stability within the industry. Producers have been enabled to meet current tax liabilities and to pay off overdue obligations. Employment has been stabilized and is showing a marked increase.

All interested parties are wholeheartedly in accord with this voluntary program and they now wish to have the Legislature approve in a formal way what they have been doing informally since January of 1940. This bill, House Bill 1661, will enable the continuance of this program on a voluntary basis, and it is the earnest plea of those who are parties to it, that all members of the House give their approval to this very constructive legislation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Cates,	McClanaghan,	Sarraf,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Greenwood,	McGrath,	Shaw,
Bower,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Cyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,

Johen, R. E.,	Herman,	Munley	Thompson, R. L.
Cook,	Hersch,	Nagel	Trout,
Cooper,	Hewitt,	Nunemacher	Turner,
Cordier,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Weish, E. B.,
Duffy,	Knoble,	Prosen,	Weish, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Eider,	Lee, E. A.,	Reagan,	Wolf,
Ellmott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker.
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE RESOLUTION No. 95

Mr. POLASKI. Mr. Speaker, I desire to call up House Resolution No. 95, Printer's No. 1008.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 20, 1941.

Whereas, The Polish Army Veterans' Association of America is an organization composed of veterans of the Polish Army, who enlisted as volunteers in 1917 and 1918, from the United States, for service with the Polish forces in France and in Poland; and

Whereas, By special permission of the State and War Departments, and by proclamation of President Woodrow Wilson, the Polish Military Commission was authorized to recruit from among the Poles in the United States Volunteers for the army, after this country entered as a participant in the World War on the side of the Allies; and

Whereas, In addition to the 250,000 soldiers of Polish extraction, who served in the AEF, the Poles contributed some 27,000 volunteers for service with the Polish Army in France who trained at Niagara-on-the-Lake, Ontario at Fort Niagara, N. Y.; and

Whereas, Ninety per cent, of these men saw service in France in 1918 and later in Poland in 1919 and 1920, and upon termination of hostilities between Poland and Soviet Russia, they were returned to the United States, under an agreement between this country and Poland; and

Whereas, In May 1921, the Polish Army Veterans' Association of America was formed in Cleveland, Ohio, for the sole purpose of aiding the physically disabled and otherwise incapacitated veterans; and

Whereas, The task that lay before the founders and succeeding leaders of the organization was tremendous, in as much as neither the American nor the Polish governments felt any responsibility for the care of these unfortunates, for purely technical reasons; and

Whereas, With each succeeding year, the need for aid for these disabled veterans has grown; and

Whereas, This association has found a method of raising funds by adopting the corn flower as its official flower, and selling it on the highways in a manner similar to that in which poppies are now sold; be it therefore Resolved (if the Senate concur), That the Governor be

requested to issue a proclamation setting aside May 3, 1942, and May 3rd of all succeeding years, as "Corn Flower Day," so that the corn flower may be sold by the Polish Army Veterans' Association of America, and the proceeds of such sales applied to the maintenance and upkeep of disabled Polish war veterans.

On the question,
Will the House adopt the resolution?
It was adopted.

BILL ON THIRD READING

Agreeably to order,
The bill having been called up from the postponed calendar by Mr. ACHTERMAN,
The House resumed the consideration on third reading of House Bill No. 1508, (Senate Bill No. 645), entitled:

An Act to reenact and further amend the title and the act, approved the first day of June one thousand nine hundred and thirty-three (P. L. 1409), entitled as amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Lyons,
Auker,	Foor,	Malloy,
Baker,	French,	Marks,
Balthaser,	Gallagher,	Maxwell,
Baughner,	Gates,	McClanaghan,
Bentley,	Gerard,	McClester,
Boles,	Gillan,	McDermott,
Boney,	Gillette,	McDowell,
Boorse,	Goodwin,	McFall,
Bower,	Greenwood,	McGrath,
Bradley,	Gross,	McIntosh,
Breth,	Gryskewicz,	McKinney,
Bretherick,	Gyger,	McLanahan,
Brown,	Habbyshaw,	McLane,
Brunner, C. H.,	Haines,	McMillen,
Brunner, P. A.,	Hall,	McSurdy,
Burns,	Hamilton,	Melchiorre,
Burriss,	Hare,	Mihm,
Cadwalader,	Harkins,	Modell,
Chervenak,	Harmuth,	Monks,
Chudoff,	Harris,	Mooney,
Cochran,	Heatherington,	Moran,
Cohen, M. M.,	Helm,	Moul,
Cohen, R. E.,	Hering,	Muir,
	Harman	Munley.

Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Alisburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Wells,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elllott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lelsey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

BILL ON SECOND READING

Mr. READINGER asked and obtained unanimous consent to call up out of order House Bill No. 871 (Senate Bill No. 9) Printer's No. 452, on page 6 of today's calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 871, (Senate Bill No. 9), entitled:

An Act concerning the permanent recordation of certain births birth certificates the issuance of copies of such certificates and prescribing the procedure therefor enlarging the powers and duties of the Department of Health and the Bureau of Vital Statistics

The first and second sections were separately read and agreed to.

The third section was read:

On the question,

Will the House agree to the section?

Mr. READINGER. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 3, page 5, lines 1 and 21, by striking out the dark faced bracket at the beginning of line 1 and after the word "final" in line 21.

Amend Sec. 3, page 5, line 22, by striking out the figure "3" and inserting in lieu thereof: "4."

The amendments were agreed to.

The section was agreed to as amended.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 4, page 6, line 3, by striking out the figure "4" and inserting in lieu thereof: "5."

The amendment was agreed to.
 The section was agreed to as amended.
 The fifth section was read:
 On the question,
 Will the House agree to the section?
 Mr. READINGER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:
 Amend Sec. 5, page 6, line 5, by striking out the figure "5" and inserting in lieu thereof: "6."

The amendment was agreed to.
 The section was agreed to as amended.
 The title was read:
 On the question,
 Will the House agree to the title?
 Mr. READINGER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:
 Amend title, page 1, lines 5 and 8 of title, by striking out the dark-faced bracket before the word "providing" in line 5 and after the word "Court" in line 8.

The amendment was agreed to.
 The title was agreed to as amended.
 And said bill having been read at length the second time and agreed to as amended.
 Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS HOUSE

Mr. RUSH asked and obtained unanimous consent to address the House.

Mr. Speaker, I rise to make a short statement concerning the trial in the Chester Municipal Authority Water case which has just ended. In the trial which ended yesterday Judge Shull handed down a decision ousting the Mayor from office.

I would like to read part of a statement concerning those ouster proceedings. In the formation of the Chester Authority the Mayor and the members of Council set up an Authority under the Act of 1939 and appointed themselves as members of that authority. In addition to that they gave themselves remuneration. Proceedings were started on those grounds. I quote from today's Philadelphia Record:

"Judge Shull ruled that Peoples had no right to make himself a member of the Chester Municipal Authority at an extra annual salary of \$1200.

"The ouster action, independent of the malfeasance trial, was brought by James L. Rankin, independent Republican Chester attorney, who represented a group of taxpayers.

"Judge Shull held that Rankin was right in insisting Mayor Peoples is no longer qualified to hold office. He said:

"The Court finds that Clifford H. Peoples is unlawfully holding and exercising the powers and functions of Mayor. The Court therefore enters judgment that the said Peoples be ousted and altogether excluded therefrom . . . and that the relator (Rankin) recover costs from Peoples."

"Judge Shull also said:

"We cannot find, under the law, that one serving as Mayor is in any different position than one serving as a member of Council of a third-class city so far as his right to serve on the board of a municipality, by action of such a municipality, is concerned."

"The office of membership in the municipal Authority, he said, is incompatible with the office of Mayor

or members of Council—because they cannot hold an office to which they voted themselves compensation' if it were in their power to vote the extra power and pay.

"Judge Shull further stated that his decree is to become final 'unless exceptions are filed thereto or a request made to have the case heard before the court en banc (meaning the entire Delaware County Court of three Judges) within 10 days of this date.'

"When the malfeasance trial was completed yesterday, Judge Shull charged the jury of six men and six women in language interpreted as a virtual instruction to return a verdict of guilty.

"After waiting until 9:45 P. M. for a verdict, he sent word to the jury that it would be locked up for the night if it could not agree.

"Peoples, ex-Councilman Edward D. McLaughlin and Councilmen William P. Lear, John T. Ross, and William J. McDowell were on trial on charges of mis-, non- and malfeasance in office.

"They were guilty of these charges, the Commonwealth claimed, because they neglected the welfare of Chester's taxpayers when they followed Boss McClure's instructions blindly.

"They followed his instructions, the Commonwealth asserted, when they:

1. Formed the Chester Municipal Authority.
2. Named themselves as members of the authority.
3. Voted to pay themselves \$1200 extra annually as members of the authority.

4. Purchased, for \$250,000 more than necessary, the common stock of the Chester Water Service Company from the holding Federal Water Service Company of New York.

5. And later sold \$6,000,000 in bonds based on the Chester company's revenue at 98.2, when they could have received much more netting McClure's associates an extra profit of \$375,000.

"The \$250,000, the Commonwealth claimed, was also a private profit for McClure and his gang—\$85,000 of it being paid directly to McClure."

By the way that was admitted in testimony that was presented.

"The hearing on Rankin's action—which was also aimed at Lear, McDowell, Ross and McLaughlin—was held last March

"Judge Shull, however, preceded his ouster of Mayor Peoples by detonating an equally loud charge of legal dynamite—one that was also aimed at Peoples.

The Jury was locked up at 4:40 p. m. yesterday. They reached a verdict after 9:00 o'clock when the Judge had retired to his private room in Philadelphia and he did not return to receive their verdict last night, but this morning the Jury returned their verdict, and I am informed that verdict is that the defendants are guilty of misdemeanor in office.

Mr. Speaker, I make these few remarks because there is legislation pending in this House at this time that affects cases similar to this in Pennsylvania.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I came in while the gentleman from Delaware, Mr. Rush was speaking, and only heard a part of his remarks, and part of what he recounted.

I first would like to say this, however, that in the instance of the ouster proceedings against Mayor Peoples and the others, if these men are guilty of misdemeanor then the officials in forty other municipalities in Pennsylvania are guilty of the same misdemeanor; they all took office on the advice of counsel, many of them eminent counsel, that they were perfectly right in the proceedings

which they were taking in these many municipalities. The opinion of Judge Small has been filed. Many lawyers, disagree with that opinion, but nevertheless, that is a matter that is in the courts. It is not a matter, it seems to me, to be discussed on the floor of the House.

I would like to correct what I think was an erroneous impression left by the gentleman from Delaware, Mr. Rush, as to the verdict of the jury today. The verdict of the jury was that they found the members of Council and the Mayor not guilty of all the charges pertaining to the water deal. The only thing on which they found the Mayor and the Councilmen guilty was that the elected themselves as members of the authority and had paid themselves a salary. Under the opinion of Judge Shull in the quo could do under the explicit direction of the court, but warrant proceedings, there was nothing else the jury as far as all the questions arising on the water deal were concerned, they were found not guilty.

FINAL REPORT OF COMMITTEE TO INVESTIGATE CHARGES MADE IN SENATE

Mr. WOODRING. Mr. Speaker, on behalf of the Investigating Committee appointed to investigate certain charges made on the floor of the Senate by the gentleman from Fayette, Mr. Cavalcante, on June 4th, I submit herewith the final report of the Investigating Committee.

In the General Assembly of the Commonwealth of
Pennsylvania

FINAL REPORT of the

Joint Investigating Committee appointed by virtue of the Concurrent Resolution of the Senate and the House of Representatives adopted June 5, 1941 to investigate certain charges made on the floor of the Senate, June 4, 1941 by the Senator from Fayette, Honorable
Anthony J. Cavalcante.

Your Committee reports as follows:

On June 4, 1941, on the floor of the Senate and during the debate on House Bill No. 690, the Senator from Fayette, Mr. Cavalcante, made the statement that a criminal conspiracy exists in the Legislature of Pennsylvania to subvert legislation and that cash had been put on the "barrel head" by vicious and powerful interests to promote the introduction and passage of House Bill No. 690.

After a careful consideration of the information submitted by Senator Cavalcante, stated by him on the floor of the Senate to be the full and complete information upon which he predicated his remarks of June 4, 1941, the Committee respectfully reports to its respective Bodies that, in its opinion, the information fails to establish a prima facie case of criminal conspiracy in the Legislature or improper conduct on the part of Legislators and that there is no evidence submitted to justify or to warrant any further investigation on the part of the Committee.

Your Committee is of the opinion, further, that the charges of Senator Cavalcante were made without reasonable or probable cause and without a proper regard for the rights and integrity of the persons involved. Your Committee deplores the fact that any member of the General Assembly, under the guise of a doubtful constitutional immunity, should so far transgress the ordinary rules of parliamentary propriety and the concepts of proper ethics.

WHEREFORE, your Committee in making this, its

final report, does so with the feeling that the Senate, by appropriate action, cause to be expunged from the Record all of the remarks made by Senator Cavalcante, on June 4th, June 9th, and June 16th, 1941 touching the premises.

Respectfully Submitted
GEORGE B. STEVENSON

Chairman

CARLETON T. WOODRING

Co-Chairman

LEO C. MUNDY

Wm E. HABBYSHAW

ARTHUR P. BRETHERICK

THOMAS A. OWENS

REUBEN A. NAGEL

FRED L. HOMSHER

CLARENCE D. BECKER

JOHN H. DENT

Committee

PERMISSION TO ADDRESS HOUSE

Mr. WOODRING asked and obtained unanimous consent to address the House.

Mr. Speaker, in submitting this report and as an individual who served on the committee I think the House should be informed as to the failure of the report to contain recommendations for disciplinary measures to be taken by the General Assembly.

I would like to call the attention of the House to the authorization contained in the concurrent resolution whereby the Committee was appointed, and point out to the Members that the sole authority vested in the Committee was to investigate and to report, and the Committee therefore felt that no recommendation for disciplinary action should be made by the Committee by reason of that express limitation of power in the appointment.

CONGRATULATORY RESOLUTION

Messrs. PRESLEY N. JONES, FLETCHER and O'DARE offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 18, 1941.

Whereas, On June 14, 1941, the Honorable Charles E. Voorhees took unto himself one Dorothy Andrus for better or for worse; and

Whereas, These gay and glorious nuptials were held in the Hotel Sherry Netherlands, New York City, New York; and

Whereas, It is fitting that the House signalize so gala an occasion; therefore be it

Resolved, That the House of Representatives congratulate the Honorable Charles E. Voorhees of Philadelphia on his marriage to Dorothy Andrus; and be it further

Resolved, That the Chief Clerk of the House forward a copy of this resolution to the happy couple, conveying thereby the good wishes of the House of Representatives of the Commonwealth of Pennsylvania.

REPORT AND DISCHARGE OF CONFERENCE COMMITTEE ON HOUSE BILL No. 510

Mr. O'BRIEN. Mr. Speaker, as chairman of the Conference Committee on the part of the House on House Bill 510, I wish to inform the House that this Conference Committee has been unable to agree.

The SPEAKER. The gentleman from Philadelphia, Mr. O'Brien reports that the Committee on Conference on

House Bill 510 Printer's No. 727 has been unable to agree. Therefore the Committee is discharged with the thanks of the House.

The question recurs on the amendments made by the Senate in House Bill 510, Printer's No. 727. The Clerk will read the amendments made and insisted upon by the Senate.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Mr. O'BRIEN. Mr. Speaker, I move that the House recede from its non-concurrence in the amendments made and insisted upon by the Senate and that the House concur in the Senate amendments.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, many things go over the desk rapidly and probably are not fully understood by the Members. I think it should be called to the attention of the Members that what happened in this case was that the Conference Committee failed to agree and what we are voting on now is concurrence in the amendments as they were inserted in the bill by the Senate. I have no objection to concurrence in the amendments, and I concur in the motion made by the gentleman on the other side, that the amendments be concurred in. I think the members should realize what the situation is.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Malloy,	Rosenfeld,
Auker,	French,	Marks,	Royer,
Baker,	Gallagher,	Maxwell,	Rush,
Balthaser,	Gates,	McClanaghan,	Sarge,
Baughner,	Gerard,	McClester,	Sarra,
Bentley,	Gillan,	McDermott,	Scanlon,
Boles,	Gillette,	McDowell,	Schwab,
Boney,	Goodwin,	McPail,	Serrill,
Boorse,	Greenwood,	McGrath,	Shaffer,
Bower,	Gross,	McIntosh,	Shaw,
Bradley,	Gryskewicz,	McKinney,	Shepard,
Breth,	Gyger,	McLanahan,	Simons,
Bretherick,	Habbyshaw,	McLane,	Skale,
Brown,	Haines,	McMillen,	Snyder,
Brunner, C. H.,	Hall,	McSurdy,	Sollenberger,
Brunner, P. A.,	Hamilton,	Melchiorre,	Sorg,
Burns,	Hare,	Mihm,	Stambaugh,
Burris,	Harkins,	Modell,	Stank,
Cadwalader,	Harmuth,	Monks,	Stine,
Chervanek,	Harris,	Mooney,	Stockham,
Chudoff,	Heatherington,	Moran,	Tarr,
Jochran,	Heim,	Moul,	Tate,
Johen, M. M.,	Hering,	Muir,	Taylor,
Johen, R. E.,	Herman,	Munley,	Thompson, E. F.,
Jook,	Hersch,	Nagel,	Thompson, R. L.,
Jooper,	Hewitt,	Nunemacher,	Trout,
Jordier,	Hirsch,	O'Brien,	Turner,
Jorrigan,	Huntley,	O'Connor,	Van Allsburg,
Jroop,	Imbrie,	O'Dare,	Verona,
Jullen,	James,	O'Mullen,	Vincent,
Jalrymple,	Jefferson,	O'Neill,	Vogt,
Jennison,	Jones, G. E.,	Owens,	Voldow,
JGenova,	Jones, P. N.,	Petrosky,	Voorhees,
Jlx,	Keenan,	Pettit,	Watkins,
Jolon,	Kenehan,	Polaski,	Weingartner,
J'Ortona,	Kline,	Polen,	Wells,
Juffy,	Knoble,	Powers,	Welsh, E. B.,
Jarly,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Jkels,	Komorowski,	Rank,	Williams,
Jlder,	Lee, E. A.,	Readinger,	Winner,
Jlott,	Lee, T. H.,	Reagan,	Wolf,
Jy,	Lelsey,	Reese, D. P.,	Wood, L. H.
Jlkenstein,	Leonard,	Reese, R. E.,	Wood, N.
Jlestone,	Lesko,	Regan,	Woodring,
Jlnerly,	Levy,	Reynolds,	Woodside,
Jsher,	Leydic,	Rhea,	Wright,
Jss,	Lichtenwalter,	Riley,	Yeakel,

Fleming,
Fletcher,
Flynn,

Longo,
Lovett,
Lyons,

Rooney,
Rose, S.,
Rose, W. E.,

Yester,
Young,
Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, the gentleman from Philadelphia, Mr. Rosenfeld submitted to me before this session a resolution which I understand has since been adopted. I told him that I would have no objection to its introduction and would not raise any objection to obtaining unanimous consent.

There are several things concerning the resolution, however, which I desire to call to the attention of the House. In the first place, it is a recognition on the part of the gentlemen on the other side that we are facing a shortage in gasoline and that there is very likely to be a curtailment in the use of gasoline. I say, Mr. Speaker, that the other side has seemed to recognize the imminent danger of a very prompt curtailment in the use of gasoline. I want to again call the attention of the Members of this House to the fact that curtailment of gasoline is unquestionably going to result in the reduction of revenue which will be received from gasoline taxes. This resolution is certainly a recognition of the imminent danger of prompt curtailment in the use of gasoline. Of course it is something which I think we have all recognized for the last few weeks, but many of the estimates of revenue on the other side seem to have been burying their heads in the sand and refusing to acknowledge the fact. I am glad that the Members on the other side are now admitting it to be a recognized and accepted fact.

I might also call attention to the fact that this resolution is a little too broad in its terms, because it suggests that there is an absolute shortage of gasoline throughout the country, and suggests that the House of Representatives request all manufactures of liquid fuel and its products in the Commonwealth of Pennsylvania to immediately cease exporting such products. I would have objected to the wording of the resolution had I been present when the resolution was adopted as I did when the gentleman submitted it to me, for several reasons.

In the first place there is no country-wide shortage of gasoline. That probable was not understood by the gentleman or he would not have worded it that way. The shortage of gasoline is on the Eastern Seaboard, and the problem of getting gasoline to the Eastern Seaboard. It is not a problem of the total amount of gasoline available in the United States as a whole. This resolution asks the oil companies not to ship any gasoline from any ports in this country nor to any other people which would of course include shipping gasoline to England. I am wondering whether this House wants to go on record as being opposed to the shipping of gasoline to England or some of the other democracies or and countries in South America. That is what the House apparently has done in the passing of this resolution.

Mr. Speaker, I had intended to speak on this resolu-

tion but it was called up when I was either making a telephone call or was out of the House. I therefore did not have the opportunity to speak on it at the time, but if the House of Representatives wants to go on record in this way I think it is a mistake. I do not think that the Members of the House heard the resolution and did not consider it at the time or they would not have voted for its adoption.

I may say further that my understanding is that the Federal Government has already stepped in and has made definite arrangements with the oil companies that no more gasoline shall be shipped to certain countries, at least from the Eastern Seaboard.

Mr. Speaker, in consideration of these facts I am wondering whether the gentleman does not want to reconsider his resolution and make some changes in it. I think it would be an advisable thing for him to do.

PERMISSION TO ADDRESS HOUSE

Mr. ROSENFELD asked and obtained unanimous consent to address the House.

Mr. Speaker, in answer to the gentleman from Dauphin, Mr. Woodside, I regret that I cannot agree with his comments. In the first place the increased demand in the use of gasoline for industrial purposes is facing us today, and it was for that reason it was sought to curtail the use of gasoline on Sundays. The shortage has been caused by reason of that fact and for no other reason.

In answer to the gentleman I might say that we do look for an increase of revenue by reason of the increased use of gasoline for industrial purposes. Of course the curtailment of the use of gasoline on Sundays would further cut into the amount of revenue because of the excessive use of gasoline that we have anticipated during this period of emergency.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, that I may not be misunderstood, I want to say very frankly that I think action to keep gasoline from being sent from the Eastern seaboard to certain foreign nations certainly should be taken. I do not think we should ship gasoline from the Eastern Seaboard, at least to certain foreign countries, but I wonder whether you want to make it all-inclusive so that we would not ship it to any of them. I do not think it should be so, and I personally think that is the feeling on this side of the House.

PERMISSION TO ADDRESS HOUSE

Mr. BRETHERICK asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like to have my opposition recorded to assenting to the resolution, insofar as it provides for a limitation of gasoline and gasoline products to other than the totalitarian powers. I am heartily in favor of the exportation of gasoline, gasoline products and oil products to the democracies in their struggle for existence.

PERMISSION TO ADDRESS HOUSE

Mr. GATES asked and obtained unanimous consent to address the House.

Mr. Speaker, I was in the Banking Committee when this resolution was passed and I would like to be recorded as voting against the resolution as it now reads, because I, too, am in favor of this country sending gasoline and its products to all the democracies wherever they may be in this world.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I am wondering whether I have the right to make a motion to reconsider the vote by which the resolution passed. I do not know whether I was in the House at the time the resolution passed or whether I was not.

The SPEAKER. If the gentleman was not present and did not vote he could not make such a motion. The motion must be made by a gentleman who voted upon the resolution.

RECONSIDERATION OF VOTE

Mr. STOCKHAM. Mr. Speaker, I move that the vote by which the resolution presented by Mr. Rosenfeld relating to the shipment of gasoline and gasoline products was agreed to, be reconsidered.

On the question,

Will the House agree to the motion?

Mr. ROSENFELD. Mr. Speaker, inadvertently there was omitted something which I think was quite serious and which the gentleman from Dauphin has called to our attention. I want to amend the resolution, beginning with the first resolve clause so that it reads in the following manner:

"That the House of Representatives of the Commonwealth of Pennsylvania request all manufacturers and producers of liquid fuel and its products in the Commonwealth of Pennsylvania to immediately cease exporting any such products 'to the totalitarian countries.'"

The second resolve clause to read:

"Resolved that the House of Representatives commend Secretary of the Interior Ickes for his request that all manufacturers of petroleum products cease from exporting all types of products 'to the totalitarian countries.'"

I ask the members of the House to go along on those amendments.

On the question,

Will the House agree to the amendments?

Mr. WOODSIDE. Mr. Speaker, the amendments take care of the serious objection I had to this resolution, and I request that all the Members of the House vote in favor of it.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House adopt the resolution as amended?

It was adopted.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 510.

An Act to amend section five of the act approved the second day of July one thousand nine hundred thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" by changing the method and time whereby future referendums be initiated and held

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORT OF COMMITTEE OF CONFERENCE ON
HOUSE BILL No. 404

Mr. READINGER. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 404, Printer's No. 1027.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 404, entitled:

"An Act relating to marriage, and amending, revising, consolidating and changing the law relating thereto,"

Respectfully submit the following bill as our report:

JOHN M. WALKER
MONTGOMERY F. CROWE
ISRAEL STIEFEL
(Committee on the Part of the Senate.)
ALBERT S. READINGER
JOSEPH J. McINTOSH
J. PERRY ECKELS

(Committee on the part of the House of Representatives.)

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 License Necessary to Marry No person shall be joined in marriage within this Commonwealth until a license shall have been first obtained for that purpose from the clerk of the orphans' court of the county where the marriage ceremony is to be performed or where either of the contracting parties resides A license so issued in the county wherein either of the contracting parties resides shall authorize the marriage ceremony to be performed in any county of this Commonwealth

Section 2 Application for License to Marry No license to marry shall be issued by any clerk of the orphans' court except upon written and verified application made by both of the parties intending to marry Such application shall contain a statement of (a) the full Christian name and surname of the applicants (b) the color age occupation birth place and residence of the applicants (c) the full Christian name and surname residence color occupation and birthplace of their parents including the maiden name of the mothers (d) whether the marriage is the first second or other marriage (e) that neither of the applicants is afflicted with a transmittable disease (f)

that each of the parties has submitted to an examination within thirty days of the application for the license as to the existence or non-existence of syphilis and has presented a proper statement entitling him or her to a license to marry signed by a duly licensed physician and (g) such other facts as the Department of Health may deem necessary to determine whether any legal impediment to the proposed marriage exists.

Section 3 Waiting Period After Application for License No license to marry shall be issued until after three days from the day of making application therefor except in cases of emergency or extraordinary circumstances when a judge of the orphans' court may authorize the license to be issued at any time before the expiration of said three days

Section 4 Restrictions on the Issue of Marriage License No license to marry shall be issued by any clerk of the orphans' court

(a) Until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty days of the application for the marriage license has submitted to an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not in a stage of that disease which is likely to become communicable The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test and the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test

(b) Unless at least one of the applicants is identified to the satisfaction of the clerk of the orphans' court applied to for such license or unless at least one of the applications has attached thereto a certificate from the alderman magistrate or justice of the peace before whom it was taken stating that the applicant was identified to the satisfaction of such officer.

(c) If either of the applicants for a license is under the age of eighteen years except in special cases where a judge of the orphans' court shall have discretion to authorize a license to be issued by the clerk of the orphans' court where one or both applicants are under the age of eighteen years

(d) If either of the applicants is under the age of twenty-one years unless the consent of a parent or guardian shall be personally given before the clerk or be certified under the hand of a parent or guardian attested by two adult witnesses and in the latter case the signature of the parent or guardian shall be acknowledged before an officer authorized by law to take acknowledgments When such a minor has no guardian and the judge of the orphans' court is absent or not accessible for any reason the clerk of the orphans' court or a duly appointed assistant clerk of said court may appoint a guardian pro hoc vice for such minor

(e) If either of the applicants for license is an imbecile epileptic of unsound mind or under guardianship as a person of unsound mind or as a feeble minded person

(f) If either applicant is or has been within five years preceding the time of the application an inmate of any institution for the insane or home for indigent persons unless it satisfactorily appears that the cause for such condition has been removed and that the male applicant is able to support a family

(g) If at the time of making application either of the applicants is under the influence of intoxicating liquor or narcotic drug

(h) To a person (divorced by his or her former spouse on the grounds of adultery) for the marriage of such person to the person with whom the crime of adultery was committed during the lifetime of the former husband or wife

(i) To applicants who are of kin of the degree of first cousins

(j) To applicants within the prohibited degrees of consanguinity and affinity which are as follows

Degrees of Consanguinity

A man may not marry his mother

Do do father's sister

Do do mother's sister

Do do sister

Do do daughter

Do do the daughter of his son or daughter

A woman may not marry her father

Do do father's brother

Do do mother's brother

Do do brother

Do do son

Do do the son of her son or daughter

Degrees of Affinity

A man may not marry his father's wife

Do do son's wife

Do do wife's daughter

Do do the daughter of his wife's son or daughter

A woman may not marry her mother's husband

Do do daughter's husband

Do do husband's son

Do do the son of her husband's son or daughter

Section 5 Tests for Syphilis Physician's Statement Appeals Filing (a) For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a laboratory approved to make such tests by the State Department of Health Such laboratory tests as are required to be made by this act shall on request of the physician submitting the sample and on his certificate that the applicant is unable to pay be made without charge by the State Department of Health

(b) Any applicant for a marriage license having been denied a physician's statement as required by this act shall have the right of appeal to the Department of Health of the Commonwealth of Pennsylvania for a review of the case and the said department shall after appropriate investigation issue or refuse to issue a statement in lieu of the physician's statement required by section one of this act

(c) The statements of the physician who examined the applicant and the laboratory which made the serological test shall be uniform throughout the state and shall be upon forms provided therefor by the State Department of Health These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses and shall be regarded as absolutely confidential by any and every person whose duty it may be to obtain make transmit or receive such information or report

Section 6 Examination of Applicants Each of the applicants for a marriage license shall appear in person before the clerk of the orphans' court of the county in which the license is to be issued or before an alderman magistrate or justice of the peace of that county or of the county wherein the applicant resides

At the time of such appearance the applicant or both of them if they appear together shall be examined under oath or affirmation as to

(a) The legality of the contemplated marriage

(b) Any prior marriage or marriages and its or their dissolution

(c) All the information required to be furnished on the application for license as prepared by the Department of Health and

(d) The restrictions set forth in section four of this act

The application or applications shall thereupon be completed in accordance with such examination and duly sworn or subscribed to by the applicant or applicants

Upon the completion of any application or applications taken before an alderman magistrate or justice of the peace such application or applications shall be promptly transmitted to the clerk of the orphans court of the county in which the license is to be issued There

shall be attached to each application so forwarded a certificate of the officer before whom it was taken stating whether or not the applicant was identified to the satisfaction of such officer

The clerk of the orphans' court wherein the license is sought when properly completed applications on behalf of each of the parties to the proposed marriage have been taken before him or duly forwarded to him by an alderman magistrate or justice of the peace shall if there is no legal objection to the marriage grant a license Such license shall not be granted until after three days from the date of the most recent of the two applications therefor

The clerk of the orphans' court shall provide application blanks upon request to aldermen magistrates and justices of the peace and also blanks for certifying the identification of applicants

Section 7 Orphans' Court to Pass Upon Refusal of Clerk to Issue License In those cases where the right to a license is not made to appear the clerk of the orphans' court shall refuse to issue the same At once upon such refusal he shall certify the proceedings to the orphans' court of the county without formality or expense to the applicants for license who shall be notified by the clerk of such action

Such application for a license to marry shall thereupon at the earliest possible time be heard by a judge of said court without a jury in court or in chambers during the term or in vacation as the case may be The finding of the court that a license ought to issue or ought not to issue shall be final and the clerk of the orphans' court shall act in accordance therewith

The true intent of this section is to secure for applicants a hearing before the orphans' court without affirmative action by said applicants and to give notice to them of such hearing its time and place without delay or expense

Section 8 Recording Application and Consent Certificate The applications for license and all consent certificates shall be immediately recorded by the clerk of the orphans' court in a book provided for that purpose at the cost of the county which shall be called the marriage license docket and which shall be a public record open to inspection or examination by the public at all times during business hours Any person may make a copy or abstract of the entries contained in the said marriage license docket for the purpose of publication in any regularly published daily or weekly newspaper and it shall be lawful to publish said copy or abstract in any regularly published daily or weekly newspaper printed within the Commonwealth

Section 9 Form of Marriage Licenses Marriage Certificates (a) The marriage license as issued by the clerk of the orphans' court shall not be valid for a longer period than sixty days from the date of issue and shall be in form substantially as follows to wit

Commonwealth of Pennsylvania } ss

County of } No

To any person authorized by law to solemnize marriage

You are hereby authorized to join together in holy state of matrimony according to the laws of the Commonwealth of Pennsylvania A B of full age and never heretofore married and C D likewise of full age and never heretofore married

Given under my hand and seal of the orphans' court of said county of at this day of one thousand

If either of said parties is not of full age of twenty-one years then in lieu of the words "of full age" his or her age shall be stated and the fact of consent of parent or guardian shall likewise be stated and if either of said parties shall have been married previously to the issuing of such license then in lieu of the words "never heretofore married" the number of times he or she shall have been previously married and the mode by which said prior marriage or marriages was or were dissolved shall be stated and if by divorce the cause for which such divorce shall have been granted If either of said parties is under the age of eighteen years and a judge

of the orphans' court shall have authorized the license to be issued then in lieu of the words "of full age" his or her age shall be stated and the fact that a judge authorized the license to issue shall likewise be stated in addition to the consent of a parent or guardian

(b) The license shall have appended to it two certificates numbered to correspond with said license (one marked original and one marked duplicate) which shall be in form substantially as follows

I hereby certify that
on the day of one
thousand at and
.....were by me united
in marriage in accordance with license issued by clerk of
the orphans' court of county
Pennsylvania numbered
(Signed)
(Title of person solemnizing marriage)

Section 10 Forms Where Marriage Ceremony Performed by Parties to Marriage In all cases in which the parties intend solemnizing their marriage themselves no such marriage shall take place until the clerk of the orphans' court shall certify their right so to do in a declaration in substantially the following form

To A B and
C D No

Legal evidence having been furnished to me in accordance with law this certifies that I am satisfied that there is no legal impediment to you joining yourselves together in marriage

A B Clerk
In lieu of the certificate before set forth there shall be appended to such declaration two certificates numbered to correspond to the declaration of the clerk of the orphans' court in the following form

We hereby certify that on the day of
.....one thousand nine hundred and
.....we united ourselves in
marriage at in the county
of having first obtained
from the clerk of the orphans' court of said county a
declaration numbered that he was
satisfied that there was no existing legal impediment to
our so doing

A B
C D
We the undersigned were present at the solemnization
of the marriage of A B
and C D as set forth
in the foregoing certificate

D E
E F

Section 11 Persons Qualified to Solemnize Marriages The chief justice of each justice of the Supreme Court the president judge and each judge of the Superior Court each judge of the court of common pleas judge of the orphans' court judge of a county court judge of a municipal court magistrate alderman justice of the peace mayor of any city and burgess of any borough of this Commonwealth and every minister priest or rabbi of any regularly established church or congregation is hereby authorized to solemnize marriages between such persons as produce a proper marriage license Every religious society religious institution or religious organization in this Commonwealth may join together in marriage such persons as are members of the said society institution or organization or when one of such persons is a member of such society institution or organization according to the rules and customs of the society institution or organization to which they or either of them belong

Section 12 Returns of Marriages The certificate marked "original" shall by the person solemnizing the marriage be duly signed and be given to the parties contracting the marriage and the certificate marked "duplicate" shall by the person or by a member of the religious society institution or organization solemnizing the marriage be duly signed and returned to the clerk of the orphans' court who issued the license within thirty days after the

solemnizing of said marriage If the marriage was solemnized by the parties themselves the certificate marked "original" shall be signed by the parties to the marriage and be attested by two witnesses and be retained by the parties contracting the marriage and the certificate marked "duplicate" shall be signed by the parties to the marriage and be attested by the same two witnesses and be returned to the clerk of the orphans' court issuing the same within thirty days

The clerk of the orphans' court upon the reception of the "duplicate" certificate shall enter the same upon the marriage license docket with the marriage license application

Section 13 Common Law Marriages Abolished Marriages Without License Void Exceptions (a) No common law marriage may hereafter be legally entered into in this Commonwealth and all such marriages hereafter entered into shall be null and void

Section 14 Marriages Within Degrees of Consanguinity and Affinity All marriages within the prohibited degrees of consanguinity or affinity as set forth in this act are hereby declared voidable to all intents and purposes but when any of said marriages shall not have been dissolved during the life time of the parties the unlawfulness of the same shall not be inquired into after the death of either of the parties thereto

Section 15 Marriages During Existence of Former Marriage If a person during the life-time of a husband or wife with whom a marriage is in force enters into a subsequent marriage pursuant to the requirements of this act and the parties thereto live together thereafter as husband and wife and such subsequent marriage was entered into by one or both of the parties in good faith in the full belief that the former husband or wife was dead or that the former marriage had been annulled or terminated by a divorce or without knowledge of such former marriage they shall after the impediment to their marriage has been removed by death of the other party to the former marriage or by annulment or divorce if they continue to live together as husband and wife in good faith on the part of one of them be held to have been legally married from and after the removal of such impediment

Section 16 Marriage of Persons Less than Eighteen Void Except by Special License A person less than eighteen years of age shall not have capacity to contract marriage except under authority of a license duly issued by a judge of the orphans' court pursuant to the provisions of section four clause (c) of this act Where either or both parties to a marriage are less than eighteen years of age and a license for such marriage was not secured under section four clause (c) of this act such marriage shall be null and void

Section 17 Preparation of Forms Applications for licenses to marry consent certificates statements of physicians and laboratories relative to examination for syphilis and marriage licenses shall be supplied to the clerk of the orphans' court by the county commissioners at the expense of the county and shall be uniform throughout the Commonwealth and forms thereof as prepared by the Department of Health shall from time to time be furnished to the several clerks of the orphans' courts of this Commonwealth

Section 18 Fees The fee to be charged by the clerk of the orphans' court in various counties for issuing a marriage license or declaration and for returns thereof to the Department of Health shall be two dollars and fifty cents two dollars of which shall be for the use of the clerk of the orphans' court of the county wherein such license is issued and fifty cents for the use of the Commonwealth Where either of the applicants for a license is under the age of twenty-one years and the consent of a parent or guardian is necessary as herein provided the clerk of the orphans' court shall receive for his own use an additional fee of fifty cents for recording the certificate of consent

All moneys collected by the said clerk for the use of the Commonwealth shall at the end of each month

be transmitted to the State Treasurer to be placed in the general fund for the use of the Commonwealth.

Section 19 Certified Copies of Records Evidence A certified copy of the record of a marriage license under the hand of the clerk of the orphans' court and the seal of said court or under the hand of the Secretary of Health and the seal of the Department of Health shall be received in all courts of this Commonwealth as prima facie evidence of said marriage between the parties therein named.

Section 20 Penalties. (a) Any clerk of the orphans' court who shall wilfully issue a marriage license in any manner except as provided for in this act or who shall refuse or neglect to enter upon the marriage license docket any marriage license application or any marriage license issued from his office immediately after it is issued or to enter any consent certificate or authorization of a judge of the orphans' court or shall fail to keep the marriage license docket open for inspection or examination by the public or shall prohibit or prevent any person from making a copy or abstract of the entries in the marriage license docket for the purpose of publishing the same in any regularly published daily or weekly newspaper shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs for each offense.

(b) Any applicant for a marriage license physician or representative of a laboratory who shall misrepresent any of the facts described by paragraph (a) of section four of this act or any licensing officer failing to receive the statements prescribed by said paragraph or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license or any person who shall disregard the confidential character of the information or reports required by said paragraph or any other person who shall otherwise fail to comply with the provisions of said paragraph shall upon conviction thereof in a summary proceeding in the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) nor more than thirty (30) days.

(c) Any person solemnizing a marriage who shall neglect or refuse to return the "duplicate" certificate of marriage to the clerk of the orphans' court within thirty (30) days after the marriage was solemnized shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of fifty dollars (\$50.00) and costs.

(d) If any person shall solemnize any marriage ceremony or shall be a party or an attesting witness to the same without the parties to the marriage having first obtained the proper license as provided for in this act he she or they so officiating contracting or attesting shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00).

(e) Any person who shall knowingly perform a marriage ceremony between parties when either of said parties is intoxicated shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of fifty dollars (\$50.00) or be imprisoned not exceeding sixty (60) days or both.

(f) Any alderman magistrate notary public or justice of the peace who shall knowingly insert or permit to be inserted any false statement in any application for marriage license or who shall make any false certification that the applicant named in such application was satisfactorily identified to him shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs.

(g) All fines and penalties collected pursuant to this act shall be for the use of the county in which the marriage license was issued.

Section 21 Statistics Each clerk of the orphans' court shall furnish the Department of Health not later than the tenth day of each month with a transcript or record of each marriage license issued and each return of the

celebration of a marriage received or filed in his office during the preceding calendar month.

The transcripts or records required to be furnished shall be made by the clerk of the orphans' court on forms prepared from time to time by the Department of Health and shall contain such information as the Department may require. The forms so prepared shall be furnished to the clerk of the orphans' court by the county commissioners at the expense of the county.

The records so furnished to the Department of Health shall be public records open to inspection during business hours. The Department of Health shall from time to time compile and publish statistics from such records for public information.

Section 22 Short Title This act shall be known and may be cited as the "Marriage Law".

Section 23 The following acts and parts of acts are hereby repealed as specifically indicated.

Sections five six and nine of the act approved the thirteenth day of March one thousand eight hundred and fifteen (P. L. 150) entitled "An act concerning divorces" so far as supplied by this act.

Section two of the act approved the tenth day of April one thousand eight hundred and forty-nine (P. L. 549) entitled "An act to prevent the killing of deer at certain season in Union county and relative to marriage certificates" absolutely.

Section four of the act approved the eighth day of May one thousand eight hundred and fifty-four (P. L. 663) entitled "An act to protect certain domestic and private rights and prevent abuses in the sale and use of intoxicating drinks" absolutely.

The act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled "An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry" absolutely.

The act approved the twenty-third day of May one thousand eight hundred and eighty-seven (P. L. 170) entitled "An act to amend section three of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely.

The act approved the first day of May one thousand eight hundred and ninety-three (P. L. 27) entitled "An act to amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini one thousand eight hundred and eighty-five relating to the county wherein to secure the license" absolutely.

The act approved the twenty-second day of May one thousand eight hundred and ninety-five (P. L. 99) entitled "An act requiring clerks of orphans' courts to keep marriage license dockets open for inspection by the public and allow copies or abstracts of the same to be made for publication and providing a penalty for non-compliance" absolutely.

The act approved the eighteenth day of June one thousand eight hundred and ninety-five (P. L. 202) entitled "An act to amend the first section of an act entitled 'An act to amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry'' approved the first day of May Anno Domini one thousand eight hundred and ninety-three relating to the county wherein to secure the license" absolutely.

The act approved the twenty-fourth day of June one thousand nine hundred and one (P. L. 597) entitled "An act making it unlawful for first cousins to be joined in marriage and declaring all marriages contracted after the first day of January Anno Domini one thousand nine hundred and two in violation of this act void" absolutely.

The act approved the twenty-seventh day of March one thousand nine hundred and three (P. L. 80) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated

to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and five (P. L. 58) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty five empowering notaries public to inquire of parties intending to marry touching the legality of their contemplated marriage and administer oaths to them" absolutely

The act approved the sixth day of May one thousand nine hundred and nine (P. L. 446) entitled "An act to amend the first section of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini eighteen hundred and eighty-five by increasing license fees" absolutely

The act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" absolutely

The act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 636) entitled "An act to amend section three of an act approved the twenty-third day of June one thousand eight hundred eighty-five entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' as amended" absolutely

The act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 494) entitled "A supplement to the act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' imposing an additional license fee for the use of the Commonwealth" absolutely

The act approved the second day of May one thousand nine hundred and twenty-five (P. L. 494) entitled "An act fixing the fee to be charged for the issuing of marriage licenses" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and twenty-seven (P. L. 64) entitled "An act establishing the minimum marriageable age at sixteen years and providing for certain exceptions thereto" absolutely

The act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 152) entitled "An act to amend section one of the act approved the

twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled 'An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court' by requiring three days to elapse between the application for and the issuance of the license" absolutely

The act approved the seventeenth day of May one thousand nine hundred and thirty-nine (P. L. 148) entitled 'An act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties" absolutely

All acts and parts of acts inconsistent with this act are hereby repealed

Section 24 The provisions of this act shall become effective the first day of January one thousand nine hundred forty-two

On the question,

Will the House adopt the report of the Committee of Conference?

REPORT RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that the report of the Committee of Conference be recommitted to the Committee of Conference for further consideration.

On the question

Will the House agree to the motion?

The SPEAKER. For the information of the House an error has been made in the drafting of this report. The report has not been adopted by the Senate, and therefore, a motion to recommit is in order.

On the question recurring

Will the House agree to the motion?

It was agreed to.

ADJOURNMENT

Mr. TAYLOR. Mr. Speaker, I move that this House do now adjourn until Monday, June 23, 1941, at 8 p. m.

The motion was agreed to and at (1:23 p.m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

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HARRISBURG, PA., MONDAY, JUNE 23, 1941.

No. 75.

SENATE

MONDAY, June 23, 1941

The Senate met at 3:30 o'clock, p. m., E. S. T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Our Heavenly Father, Thou hast said the earth is for those that dwell therein, for Thou hast founded it upon the seas and established it upon the floods. As evidence of Thy manifest love unto us we know we have the green in the fields and the flowers that deck the hillsides and the leafy glades throughout our Commonwealth, all of which are but the evidence of Thine own wisdom in procuring immortality for the human soul and the joy of living.

Our hearts have been nonplussed again by the further carnage and the spread of war in Europe. May we truly remember, therefore, as a people, that our trust and only haven of safety is in Thee; not in the frightfulness of war but in a clear and decisive and forceful faith in Thee, The Eternal and loving God.

In all our labors here this day may Thy Spirit direct our minds and our hearts, that in the enactment of proposed legislation we might have only the desire to do that which is right, and that which is true for all the people of our Commonwealth. We pray in Thy Holy and Blessed Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session.

Mr. CAVALCANTE. Mr. President, on our desks we have folders that are placed on our desks for the purpose of having bound therein the Journal when it is printed, so that we may know what is in it. I object to approval of any Journal at this time unless we know what is in the Journal that we are approving. I can not intelligently vote on it. There have been times when a Journal has been approved and when placed on our desks did not conform strictly with the matters we had in mind.

Therefore, Mr. President, I object to the reading or the approval of any Journal at this time.

The PRESIDENT. Does the gentleman from Fayette

refer to the Legislative Journal of the proceedings of the preceding session?

Mr. CAVALCANTE. Yes, Mr. President, the Legislative Journal that is usually placed on our desks contains the Senate Journal.

The PRESIDENT. That is the Legislative Journal. Is that not on the Senator's desk?

Mr. CAVALCANTE. Not for the last meeting that we had last week, Mr. President.

The PRESIDENT. The Chair is informed that is never on the Senators' desks the succeeding day, as it takes some time to print the Journal.

The question is on the approval of the Senate Journal of the last session of the Senate.

Mr. CAVALCANTE. Mr. President, may we now have the Journal read in full so that we may know whether it conforms with what we members here on the floor know it to be.

The PRESIDENT. The Chair understands the Senator from Fayette, Mr. Cavalcante, insists that the Journal be read, the Senate Journal of the last session of the Senate. Is that correct?

Mr. CAVALCANTE. Either that, Mr. President, or that we be furnished with a copy of it so that we may know what is contained in it.

The PRESIDENT. The Senator from Fayette can not have a copy of the Journal until it is printed.

Mr. WALKER. Mr. President, may I suggest for the information of the gentleman from Fayette that our approval of the Journal is only a tentative approval. After the Journal is printed and copies are available to members of the Senate any corrections or amendments that have to be made thereto may be made.

The PRESIDENT. That is correct.

Mr. WALKER. Mr. President, there is legislative precedent for that, that the approval we give is merely tentative approval at the time and is not binding upon the members of the Senate or the body itself. My suggestion, Mr. President, is that any reading of the proceedings of the preceding session in toto would not serve any good purpose and would merely delay the legislative business before the body at this time. I do not think that was the intention of the gentleman from Fayette, to have the Journal read in toto.

I suggest to the gentleman from Fayette, as he full well knows, that he is adequately protected in making any amendments to the Journal or to the records that he desires, after the printing of the Journal.

Mr. EALY. Mr. President, I think the Senator from Allegheny, Mr. Walker, has explained the matter very well.

JOURNAL APPROVED

Mr. EALY. Mr. President, I therefore move that the

further reading of the Journal be dispensed with, and approved, at this time subject to the right of correction at any future time.

Mr. WALKER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. It is the understanding of the Chair that when the Journal of a preceding session is approved it stands as approved until such time as a Senator may call the attention of the Senate to errors. Such errors have always been corrected, at least during the incumbency of the present Chair.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

LEAVE OF ABSENCE

Mr. Barr asked and obtained leave of absence for the Senator from Allegheny, Mr. McGINNIS, for the balance of the week.

HOUSE MESSAGE

RESOLUTION DIRECTING JOINT STATE GOVERNMENT COMMISSION TO REPORT TO 1943 GENERAL ASSEMBLY ON ADVISABILITY OF A CENTRAL TESTING LABORATORY FOR THE STATE GOVERNMENT

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, June 3, 1941.

The report of the Joint State Government Commission of the General Assembly on the organization and administration of Pennsylvania's State Government contains the recommendation that "consideration should be given to the feasibility of establishing a central testing laboratory to make all of the tests of the several departments and agencies of the State Government."

Laboratories are now maintained by the Department of Agriculture, the Department of Health, the Department of Property and Supplies and the Department of Highways which result in a duplication of work and expenses; therefore be it

Resolved (If the House of Representatives concur), That the Joint State Government Commission is directed to undertake an investigation and study of the feasibility and advisability of establishing a central laboratory for the purpose of making such tests, experiments and research as may be required and requested by any department, board, bureau, commission or agency of the State Government and to make a report of their findings and recommendations to the General Assembly not later than February first, one thousand nine hundred forty-three: and be it further

Resolved, That a copy of this resolution shall be transmitted to the Chairman of the said Joint State Government Commission.

RESOLUTION REQUESTING GOVERNOR TO SET ASIDE MAY 3RD AS "CORN FLOWER DAY" IN HONOR OF POLISH WAR VETERANS

He also presented an extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Military Affairs.

In the House of Representatives, May 20, 1941.

Whereas, The Polish Army Veterans Association of

America, is an organization of veterans composed of the Polish Army who enlisted as volunteers in 1917 and 1918 from the United States for service with the Polish forces in France and in Poland; and

Whereas, By special permission of the State and War Department and by proclamation of President Woodrow Wilson the Polish Military Commission was authorized to recruit from among the Poles in the United States volunteers for the army after this country entered as a participant in the World War on the side of the Allies; and

Whereas, In addition to the 250,000 soldiers of Polish extraction who served in the AEF the Poles contributed some 27,000 volunteers for service with the Polish Army in France who trained at Niagara-on-the-Lake, Ontario, and at Fort Niagara, N. Y.; and

Whereas, Ninety per cent of these men saw service in France in 1918 and later in Poland in 1919 and 1920 and upon termination of hostilities between Poland and Soviet Russia they were returned to the United States under an agreement between this country and Poland; and

Whereas, In May 1921 the Polish Army Veteran Association of America was formed in Cleveland, Ohio, for the sole purpose of aiding the physically disabled and otherwise incapacitated veterans; and

Whereas, The task that lay before the founders and succeeding leaders of the organization was tremendous in as much as neither the American nor the Polish governments felt any responsibility for the care of these unfortunates for purely technical reasons; and

Whereas, With each succeeding year the need for aid for these disabled veterans has grown; and

Whereas, This association has found a method of raising funds by adopting the corn flower as its official flower and selling it on the highways in a manner similar to that in which poppies are now sold; be it therefore

Resolved (if the Senate concur), That the Governor be requested to issue a proclamation setting aside May 3 1942 and May 3rd of all succeeding years as "Corn Flower Day" so that the corn flower may be sold by the Polish Army Veterans Association of America and the proceeds of such sales applied to the maintenance and upkeep of disabled Polish war veterans.

SENATE BILL No. 209 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 209, entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store, possess or transport property, the possession or transportation of which is in violation of law

With the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 597 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 597, entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefore.

With the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 185 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 185, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted

With the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 787 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 787, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carrier by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by exempting certain transportation

from the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle"; further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in certain appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers common carriers by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

With the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 697 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 697, entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

With the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

HOUSE CONCURS IN SENATE BILL No. 122

He also returned to the Senate, Senate Bill No. 122, entitled:

An Act to amend subsection (b) of, and to add subsection (c) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estates from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estate of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal

estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 151

He also returned to the Senate, Senate Bill No. 151, entitled:

An Act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office, and validating deeds heretofore so executed.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 174

He also returned to the Senate, Senate Bill No. 174, entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms, conditions, and limitations of certain streets in cities of the second class, and second class A, and third class, as state highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities, and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases, and appropriating money in the Motor License Fund for the purposes of this act" by establishing additional routes in the City of Erie.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 213

He also returned to the Senate, Senate Bill No. 213, entitled:

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania, to acquire by gift from the owner thereof, Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof; and creating an advisory board to assist in such functions.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 224

He also returned to the Senate, Senate Bill No. 224, entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 303

He also returned to the Senate, Senate Bill No. 303, entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on certain State Highways in cities of the first class.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 346

He also returned to the Senate, Senate Bill No. 346, entitled:

An Act to amend section two hundred one and to further amend sections two hundred two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending revising and consolidating the law relating thereto, and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation or calling optional in counties.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 419

He also returned to the Senate, Senate Bill No. 419, entitled:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg, in the county of Dauphin, and the borough of New Hope, in the county of Bucks.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 486

He also returned to the Senate, Senate Bill No. 486, entitled:

An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ subject to certain deductions for costs and priority claims.

With the information that the House has passed the same without amendments,

HOUSE CONCURS IN SENATE BILL No. 566

He also returned to the Senate, Senate Bill No. 566, entitled:

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisalment of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges on real estate.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 572

He also returned to the Senate, Senate Bill No. 572, entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas orphans' courts municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 592

He also returned to the Senate, Senate Bill No. 592, entitled:

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183), entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 599

He also returned to the Senate, Senate Bill No. 599, entitled:

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 645

He also returned to the Senate, Senate Bill No. 645, entitled:

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 655

He also returned to the Senate, Senate Bill No. 655, entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand

nine hundred seventeen (P. L. 570), entitled: "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 724

He also returned to the Senate, Senate Bill No. 724, entitled:

An Act to amend section four hundred one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by providing for the length of the terms and the method of appointing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

with the information that the House has passed the same without amendments.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 616

He also informed the Senate that the House has adopted the Report of the Conference Committee on House Bill No. 616, entitled:

An Act to amend section seven of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427), entitled "Criminal Procedure Act of 1860," providing for admission to bail by committing magistrates in cases involving manslaughter by automobile.

The PRESIDENT. The Report will be noted on tomorrow's Calendar.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 811

He also informed the Senate that the House has adopted the Report of the Conference Committee on House Bill No. 811, entitled:

An Act to further amend section three of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture, production, distillation, development use in manufacture denaturation redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or

alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine.

The PRESIDENT. The Report will be noted on tomorrow's Calendar.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 539, (Senate Bill No. 1261), entitled:

An Act to further amend section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "The Support Law," by exempting certain property from execution in certain cases.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

House Bill No. 753, (Senate Bill No. 1262), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Welfare to acquire certain land adjacent to, and for the use of the Scranton State Hospital; providing for the improvement and use thereof; and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 846, (Senate Bill No. 1263), entitled:

An Act to amend an act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code" as amended, by requiring school boards in all school districts to grant leaves of absence to all school employees who shall volunteer or be called for military naval or similar service under the Selective Service Law of 1940 or subsequent laws of the United States of America and to all school employees in the National Guard, land or naval reserve forces who shall be called for active duty; preserving certain contracts, salaries, increments, retirement rights, seniority, State contributions and grants to local school boards, eligibility lists, re-employment; requiring school boards to employ substitutes in place of such employees; reserving all rights and privileges of employees granted leaves of absence under the provisions herein; superseding or repealing all contrary laws

Which was committed to the Committee on Education.

House Bill No. 1370, (Senate Bill No. 1264), entitled:

An Act to amend section eighteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "First Class City Charter Law" further regulating the removal, discharge or reduction in pay or position of officers, clerks and employees in the classified civil service.

Which was committed to the Committee on Municipal Government.

House Bill No. 1465, (Senate Bill No. 1265), entitled:

An Act to amend the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487) entitled "The Permanent Registration Act for Boroughs, Towns and Townships," as amended, by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

Which was committed to the Committee on Elections.

House Bill No. 1468, (Senate Bill No. 1266), entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 814) entitled "The Permanent Registration Act in Cities of the Second Class" as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Which was committed to the Committee on Elections.

House Bill No. 1469, (Senate Bill No. 1267), entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 849) entitled "The Permanent Registration Act in Cities of the Third Class" as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Which was committed to the Committee on Elections.

House Bill No. 1484, (Senate Bill No. 1268), entitled:

An Act to amend section one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War or Contemplated War Act," by extending provisions to include provisional employes of the Commonwealth of Pennsylvania in its civil service.

Which was committed to the Committee on State Government.

House Bill No. 1652, (Senate Bill No. 1269), entitled:

An Act to further amend sections eight and eleven of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 553), entitled "Uniform Automobile Liability Security Act," by giving the secretary discretionary power, under certain circumstances to suspend operators' licenses; and providing for notice and hearing before suspension of licenses and registrations.

Which was committed to the Committee on Finance.

House Bill No. 1661, (Senate Bill No. 1270), entitled:

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred thirty-nine (P. L. 111), entitled "Commerce Law," providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

Which was committed to the Committee on Mines and Mining.

House Bill No. 1802, (Senate Bill No. 1271), entitled:

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons, who served in the military or naval service during any war in which the United States was engaged.

Which was committed to the Committee on Military Affairs.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 352, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fourth and fifth class; imposing certain charges on counties, and prescribing penalties.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointments as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 23, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

COMMONWEALTH OF PENNSYLVANIA

Governor's Office
Harrisburg

June 23, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Rae S. Trader, Mifflin Twp., Administration Bldg., Municipal Airport, Pittsburgh.

BEAVER COUNTY

Mrs. Wilma H. Cameron, Beaver Falls.

BUCKS COUNTY

Miss E. Berenice Bruner, Bristol.

DAUPHIN COUNTY

Mrs. Kathleen W. Yeager, Millersburg.

DELAWARE COUNTY

Miss Doris E. Cloud, Media.

LACKAWANNA COUNTY

Mrs. Ruth L. Gangwer, Scranton.

McKEAN COUNTY

Wm. V. Kirkpatrick, Bradford.

MERCER COUNTY

Miss Jane M. McIntosh, Grove City.

MONTGOMERY COUNTY

Richard W. Haag, Upper Gwynedd Twp., Wissahickon Ave. and Mill Road, North Wales.

Miss Jeanette S. Hallman, Norristown.

PHILADELPHIA COUNTY

August Apalucci, Phila., 412 North Gross St.

Walter J. Blondell, Sr., Phila., 329 South 12th St.

Pasquale De Rogatis, Phila., 183 City Hall.

Joseph V. Martinelli, Phila., 6415 W. Girard Ave.

Miss Betty E. Pinsker, Phila., Morris Building.

D. Stewart Shultz, Phila., Standard Oil Co. of Pa., Essington Ave. and Powers Lane.

Mrs. Mabel Simpson, Phila., 6321 Torresdale Ave.

Miss Kathryn L. Wentz, Phila., 7171 Germantown Ave.

PIKE COUNTY

Miss Margaret D. Skinner, Milford.

PHILADELPHIA COUNTY

Rea B. McCafferty, Phila., Wayne and Roberts Ave.

SCHUYLKILL COUNTY

Harvey P. Nagle, Pottsville.

Miss Helen J. Sakusky, Tamaqua.

ARTHUR H. JAMES.

NOMINATION FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY That the Senate do advise and consent to said nomination.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,
DiSilvestro,	Lanius,	Stevenson,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

PETITIONS

The PRESIDENT. The Chair is in receipt of the fol-

lowing communication which will be spread upon the Journal.

REPUBLICAN WOMEN OF PENNSYLVANIA

Philadelphia, Pennsylvania

June 19, 1941.

Lt. Gov. Samuel S. Lewis

Harrisburg, Pa.

Dear Sir:

The Republican Women of Pennsylvania, Hannah Penn House, passed a resolution at their meeting on June 16, requesting that the Legislature pass without further delay the RED BILLS, to outlaw the Communist party in Pennsylvania, and to permit the dismissal of teachers for un-American activities.

We ask you to bend every effort to see that these bills are brought out of committee and passed for the honor and glory of Pennsylvania.

Very sincerely yours,

Mrs. J. EARL WAGNER

Acting President

Mrs. SARA K. SELTZER

Chairman Legislation

Mr. WALKER. I am in receipt, Mr. President, of a communication from the 10th Legislative District of Allegheny County, and ask that it be read and spread upon the Journal.

The PRESIDENT. The communication will be spread upon the Journal as follows:

At a meeting of Chairmen and Vice-Chairmen of the 10th Legislative District of Allegheny County held in Wilkesburg on Friday May 23, 1941 the following resolution was passed:

Whereas, The cost of living is increasing rapidly throughout the Commonwealth and from all appearances will continue for sometime, and

Whereas, The wages paid by private industry have been and are being increased, and

Whereas, The prevailing wages paid by the Commonwealth of Pennsylvania are below those of Allegheny County and local Municipalities, and

Whereas, The persons making this resolution are all active Republicans and interested in the welfare of the Community and the Republican Party,

Therefore be it Resolved that, The Honorable Arthur H. James, Governor of Pennsylvania, and members of the Pennsylvania State Salary Board are hereby petitioned to put into effect a higher wage scale for the Employees of the Commonwealth of Pennsylvania.

Be it further Resolved, That a copy of this resolution be sent to the Governor.

GROVER C. DeLANEY

Chairman, Tenth Legislative District

Attest:

JOHN C. HUNTER, Secretary.

May 23, 1941.

EMPLOYEE OF THE SENATE APPOINTED

Mr. CHAPMAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, offered the following resolution which was twice read, considered and agreed to:

In the Senate, June 23, 1941.

Resolved, That William E. Jones, be appointed Transcribing Clerk in the Senate, vice Grant K. Pulon, resigned.

TIME OF NEXT MEETING

Mr. WALKER. offered the following resolution which was twice read, considered, and agreed to:

In the Senate, June 23, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, June 30, 1941, at 3:30 o'clock P. m., (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 30, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Washington will proceed.

Mr. REED. Mr. President—our democratic form of constitutional government was wisely divided into three important branches, namely, the legislative, executive and judicial. This system was established to prevent concentration of power in order that independence could be generally and uninterruptedly fostered and maintained.

The Constitution of Pennsylvania in its first Article declares "All men are born equally free and independent—"

History is full of authorities in support of the proposition that independent men are the strength and bulwark of any Republic, and when people, through fear or weakness, release and surrendered their inherent right of independent thought and action democracy falls apart and disappears.

We, who love America, should ask ourselves the question, whether this great Republic is dying from the loss of that pure independence that formerly gave it life and power. In 1837, from the floor of this Senate, I discussed the drift of power from the people into the hands of the few, and today I reiterate the apprehension then expressed and emphasized the danger arising from this dictatorial tendency. However, it is not my purpose today to enter into a discussion of the National phase of this serious problem, but I do propose to point out certain unwholesome conditions that exist in our beloved Commonwealth today that vitally affect our free form of government.

Before doing so, I wish to commend the gentleman from Montgomery, Senator Edmonds, for his instructive statement given to the Senate recently, and I sincerely hope that every member of this Senate will carefully read the same as a part of his public duty in this season of grave national emergency.

The legislative branch of our government is named first by the framers of our State Constitution. As the Assembly was created to make laws for the general welfare of all the people of this Commonwealth, the Constitutional fathers wisely provided proper safeguards for

the guidance and protection of its members. Controlled assemblymen could never fit into a system devised to make laws for a free people. Section 11 of Article II provides, in part, "Each House shall have power . . . to protect its members against violence or offers of bribes or private solicitation" . . . This provision is of extreme importance, for if a member's independence is controlled or bartered away then a putrefying and destructive situation results. Much has been said in this Senate in the last few weeks touching on this subject. I do not intend to question the honor or integrity of any member, but I am compelled to assert that wherever you find conditions prevailing in your legislative halls as have existed to a noticeable degree in and about this Senate Chamber during the last several months, ugly and disturbing suspicions naturally appear. For months, this hall has been infested and overrun with high powered men and good-looking women, representatives of distinct groups and organizations, each directly interested in advancing their own cause, and freely seeking help wherever it might be found. The activities of these persons have been such as to greatly interfere with the work of the Senators at their individual desks and have taken away any privacy that might belong to the members of this body. At first their fervor and zeal led them to the rail of the Chamber, but in recent weeks, with freedom and boldness, they have taken possession of the anteroom in the rear of the President, and have swarmed through the gates and onto the floor of the Senate reserved exclusively for the members and their aides.

It seems that this unwholesome practice has been revitalized and enlarged by the competition engendered by the various groups in their efforts to out-do and overcome their respective opponents. They work on the belief that any legislation can be passed if the supporting group is of sufficient strength. They reason that their eternal presence before the eyes of the members will secure obedience to their cause.

Legislation enacted through the employment of such methods is generally lopsided and harmful. Group legislation will help some, but it will hurt others. Legislation for a republic must favor no group, must foster no monopoly, but must tend to promote the general welfare of all the people. Group legislation should be discouraged; special privileges should at all times be denied.

Firm and courageous action by the members of this Senate will be necessary to control and curb this prevailing and increasing evil. Rule 28 of this Senate provides:

"No person shall be admitted within the Senate Chamber (galleries excepted) during its sessions, unless invited by a member of the Senate, except the members and officers of the two branches of the legislature, the Governor, heads of departments, ex-members of the Legislature, and stenographers to report proceedings of the Senate for publication, under the direction of the President pro tempore. No person or persons shall be permitted to occupy the seats of Senators or pass across the floor of the Senate when the Senate is in Session; nor shall any person or persons, at any time, be permitted to enter the room of the transcribing clerks or pass before the President. All obstructions in, and passing across the enclosed circle are prohibited."

The rule is violated daily. The patient and affable presiding officer of this Senate has many times courteously

pointed out to the assembled multitude the nature of the privilege extended them but without lasting effect.

Let the members of this Senate now act. Let all lobbyists, female and male, little and big, small and great, be assigned seats in the gallery, from where they may be permitted to submit to the Senate, in a proper and legal manner, any views they may have on pending legislation. With their removal from the floor of the Senate much of the suspicion and many of the ugly rumors will disappear.

There is also one other matter that should be mentioned at this time for the good of the cause. Often persons possessing the name of politicians appear at the rail of the Senate where they call into conversation members of the body. Pure motives are likely back of such practice, but in these unsettled times any and all avoidable acts that might cause distrust or affect public confidence should be dispensed with. Political bossism of all types should be belligerently opposed. Back through the years, wherever bossism's ugly hand touched legislative bodies blight and paralysis followed. Such rule is found only where public servants are willing to submit to boss domination. Political bossism cannot live in an atmosphere where freedom and independence are found.

Two great, liberal American Presidents of our day, Theodore Roosevelt and Woodrow Wilson, clearly discerned the deleterious effect of bossism and lobbyism on our democratic form of government, and both fearlessly and openly contended for their destruction. Woodrow Wilson, on being asked his plan for abolishing bossism, said, "I would propose to abolish it, by the election to office of men who will refuse to submit to it, and who will lend all their energies to breaking it up by pitiless publicity." Two things—-independent men, and "pitiless publicity."

Say what you will about the work of the Senator from Fayette, Mr. Cavalcante, during the last several weeks, his efforts in bringing to the attention of the public certain matters relating to these subjects will undoubtedly mark him as a disciple of the great Woodrow Wilson in his advocacy of "pitiless publicity," and will, in this respect do much good.

I have finished. I may have spoken in vain. There are those who feel our efforts are fruitless; that "we have been weighed in the balance and found wanting." I still hope that courage and independence will prevail. I still believe that a just God will support and sustain those in the public service who, fearlessly and conscientiously, look after the general welfare of His people.

REPORTS FROM COMMITTEES

Mr. KEPHART, from the Committee on Judiciary General reported as committed, Senate Bill No. 210, (House Bill No. 152), entitled:

An Act to amend section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 984) entitled "An act relating to transactions between a person acting on his own behalf and the same person acting jointly with others and to make uniform the law relating thereto" by authorizing conveyances from either husband or wife to husband and wife as tenants by the entireties.

Mr. CARR, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 1233, (House Bill No. 1483), entitled:

An Act to repeal the act approved the sixteenth day

of January one thousand seven hundred and ninety-nine (3 Sm Laws page 338) entitled "An act to declare Frankford Creek a public highway."

Mr. SNOWDEN, from the Committee on Highways, reported as committed, Senate Bill No. 1256, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain plots of land.

Mr. CHAPMAN, from the Committee on Appropriations, reported as committed, Senate Bill No. 1137, (House Bill No. 389), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Farview State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1212, (House Bill No. 1760), entitled:

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal, directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employes and expend funds; and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1059, (House Bill No. 472), entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1050, (House Bill No. 305), entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 993, (House Bill No. 1591), entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 992, (House Bill No. 1590), entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum Philadelphia.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 970, (House Bill No. 1068), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 969, (House Bill No. 1066), entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 968, (House Bill No. 1065), entitled:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 960, (House Bill No. 614), entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 953, (House Bill No. 351), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 952, (House Bill No. 348), entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 948, (House Bill No. 317), entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg, Pennsylvania.

He also, from the Committee on Appropriations, re-reported as amended, Senate Bill No. 945, (House Bill No. 291), entitled:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 943, (House Bill No. 281), entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 939, (House Bill No. 61), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 938, (House Bill No. 49), entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 372, (House Bill No. 581), entitled:

An Act making an appropriation to the Department of

Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis and Bang's disease in cattle.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 1057, (House Bill No. 267), entitled:

An Act making an appropriation to aid certain school districts.

Mr. WALKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1197, (House Bill No. 1263), entitled:

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto

He also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 707, (House Bill No. 1023), entitled:

An Act prohibiting employers from directly or indirectly offering for sale, selling, procuring for sale, having in possession or under control for sale to employees or others, any merchandise not produced by employers or not handled in the regular course of employer's business; providing exceptions thereto; declaring such prohibited sales to be unfair competition; and repealing prior inconsistent legislation.

Mr. STIEFEL, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 967, (House Bill No. 1003), entitled:

An Act making an appropriation to the Moore Institute of Art Science and Industry formerly Philadelphia School of Design for Women at Philadelphia Pennsylvania.

He also, from the Committee on Appropriations, re-reported as amended, Senate Bill No. 942, (House Bill No. 280), entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

He also, from the Committee on Appropriations, re-reported as amended, Senate Bill No. 972, (House Bill No. 1106), entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania at East Falls Philadelphia Pennsylvania.

Mr. GELTZ, from the Committee on Public Utilities, reported as committed, Senate Bill No. 1252, (House Bill No. 1837), entitled:

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission

to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interest and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulation and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superceded by or inconsistent with this act" changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

BILLS INTRODUCED

Mr. WALKER read in his place and presented to the Chair Senate Bill No. 1272, entitled:

An Act making an appropriation to the Historical Society of Western Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 1273, entitled:

An Act to further amend sections five hundred and three and eleven hundred and eight of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect

taxes or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by allowing interest on certain cash and credit refunds due from the Commonwealth; further regulating the procedure relative to refunds; providing an appeal to court from an adverse decision of the Board of Finance and Revenue on petitions for refund in certain cases; further defining the right to pay accounts without prejudice to the rights of resettlement, review and appeal; and providing for payment of interest by the Commonwealth on certain overpayments or credits.

Which was referred to the Committee on Finance.

REPORT FROM COMMITTEE

Mr. CRIDER, Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CRIDER, from the Committee on Judiciary Special reported as committed, Senate Bill No. 1236, (House Bill No. 1585), entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 911, entitled;

An Act fixing the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll the following occurred:)

Mr. COLEMAN. Mr. President, I would like to suggest that the membership of the Senate be advised as to which bill we are voting on, as I do not believe some of the members are cognizant of the fact that we are voting on this particular bill, Senate Bill No. 911. Permit me to suggest to the Chair that he advise the Senators we are now acting on Senate Bill No. 911.

The PRESIDENT. At the request of the gentleman from Lackawanna the Senators are advised that we are now acting on Senate Bill No. 911, on final passage, appearing on page one of today's Calendar.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, yiz:

YEAS—32

Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Cavalcante,	Haluska,	Reed,	Wade,
Chapman,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,

Crowe, Ealy,	James, Kephart,	Stevenson, Tallman,	Wilson, T. B., Woodward,
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NAYS—13

Barr, Coleman, Cox, Dent,	DiSilvestro, Frey, Jaspan,	Lanius, McCreesh, McQuiddy,	Ruth, Shapiro, Walker,
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A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1108, (House Bill No. 820), entitled:

An Act to amend section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended exempting from the mercantile license tax so much of the business of manufacturers producers and mechanics as comprises the vending of goods of their manufacture or production except business transacted at places of business operated by them apart from their factories places of production loading pockets, places of storage and workshops.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. JASPAN. Mr. President, I hardly think it will be necessary to point out to my colleagues the use of a joker in a card game or in an Act of Assembly. I have become pretty experienced with the first one myself and I am learning quickly about the other.

In the legislature the joker often serves a useful purpose. With its use, we kid our political opponents and every now and then, the public. But there comes a time when the joker becomes a serious matter—a serious betrayal of our public responsibility. And such a situation has developed with House Bill No. 820, introduced in the House, and amended on third reading on June 18, 1941. This bill was introduced under the guise of clarifying the mercantile tax law of 1899.

I have the highest personal regard for the sponsors of this bill in the House, but I believe them to be innocent but willing pawns of unscrupulous schemers—the men who requested the introduction of this bill.

Gentlemen, I characterize this bill as a Trojan Horse loaded with powerful dynamite designed to destroy free, private enterprise within the state and to crush the small business man in certain fields of mercantile activity—the man who forms the very backbone of our financial independence, the component of the class so essential to the continuance of our democratic principles of existence.

The vicious feature of this bill is the simplicity with which it fools. Somehow, I cannot help thinking of the author who said: "Laws are generally found to be nets of such a texture, as the little creep through, the great break through, and the middle size are alone entangled

in." This bill was not designed to aid the public welfare, but to benefit a certain handful of men, who would reap as rich a harvest of gold from its enactment as ever came from the hands of Midas.

Let us look to the record, as Al Smith used to say.

I now read from the bill, or the portions that have been amended. I refer to House Bill No. 820, as amended on third reading in the Senate on June 18, 1941.

Let us now go down to line number 9, page 1. The act of 1899 exempted manufacturers. I now note it also includes producers. Who are producers? Oil producers? This helps to clarify the bill. Go down to the next line—manufacture or production—"or production" are the amended words, as was the word "producers;" on the next line "except business transacted at places of business operated by them apart from their factories, places of production, loading pockets (up until now not exempted) places of storage (and what are places of storage) and workshops—(of course that was in before.) Let us go to page 3, where you will find the same amendments along the same lines. At the bottom of page 3, the same amendments. Now turn to page 4. The same amendments both prospectively and retroactively; in the law before and in the law today.

It must be remembered, Mr. President, that previously the act of 1899, the mercantile tax law, as construed by the courts, permitted a manufacturer to sell the very article he processed without paying a mercantile tax, provided it was sold at the place of manufacture or at the workshop. If he sold another man's product, no matter where it was, he paid the tax. This bill now before us actually proposes that the manufacturer shall henceforth be permitted to sell anybody's product providing it is sold from his place without paying the tax, as long as he sells it at the factory or at his warehouse.

The joker, as you will shortly see, is in the word "storage"—page 1 in the title, "factories, places of production, loading pockets, places of storage."

Thus, Mr President, the bill attempts to get around the decision of the Pennsylvania Supreme Court in Commonwealth versus Lutz, 284 Pa., page 185, and the syllabus of Commonwealth versus Lutz reads: "A plumber is not liable for payment of a mercantile license tax under the act of May 2, 1899," P. L. 184, "on that portion of his business relating to contracts which he performs wherein he furnishes materials, and labor and that covering jobbing and repairing, where he also furnishes material and labor."

Paragraph two of the syllabus says: "But he is liable for that which covers the sale of materials purchased from others upon which he expends no labor. As to this he is liable for the gross volume of his business, and is not exempt if his business is less than five hundred dollars per year."

Mr. President, may I read to you the opinion as handed down by Mr. Justice Shaffer in this particular case:

"In this case we have presented the question whether a plumber is liable for the payment of the mercantile tax imposed by the act of May 2, 1899, P. L. 184, and, if he is, does liability attach to the entire volume of the business which he transacts or only part of it?

"Defendant is a registered or licensed master plumber. Under the agreed upon facts, his business divides itself into three (3) branches, (1) that relating to contracts which he performs, wherein he furnishes materials and

labor, (2) jobbing or repairing, in which the like situation exists, (3) the sale of materials purchased from others, upon which he expends no labor.

"Defendant contends that he is not a dealer, and, therefore, not subject to the mercantile tax, so far as the first two branches are concerned, and, as to the third, that the gross volume of his business for the year in question amounts to \$359.62, therefore he is exempt under the terms of the Act April 9, 1870, P. L. 59, which stipulates 'That hereafter manufacturers and mechanics who shall sell goods, wares or merchandise other than their own manufacture, not exceeding the sum of five hundred dollars per annum, shall not be classified or required to pay any annual tax or license fee; but if such sales shall exceed the sum or value of five hundred dollars per annum, as aforesaid, they shall be classified in the same manner, and required to pay the same annual tax as is now required to be paid by dealers in foreign merchandise. He also contends that if he be a dealer within the meaning of the Act of 1899, he is nevertheless exempt under the exceptions contained in section 10 of the Act of May 4, 1841, P. L. 307.

"As to the first and second branches of defendant's business, our conclusion is that he is not liable to pay a mercantile license tax thereon. Plumbers and like artisans and craftsmen, such as carpenters, bricklayers stone masons, plasterers, et cetera, who contract to furnish labor and materials for an undertaking, either in its construction in the first instance, or its alteration or repair, are not within the scope of the mercantile tax act and are not comprehended within the term "dealers," who are the persons from whom that particular impost is collectible.

"Such a craftsman in the language of Mr. Justice Black (quoting cases) is not a dealer because he is 'not one who buys to sell again,' in the sense in which merchants buy and sell.

"In *Commonwealth versus Wormley*, 173 Pa. 586, we reached the determination that a plumber was not liable for a mercantile tax where he had no store or other place at which he did business as a buyer and seller. There is nothing in the act of 1899 which would embrace within its terms a master or licensed plumber, so far as the contract and jobbing or repair features of his business are concerned, and the court below was correct in so determining.

"As to the third branch of defendant's business, where he sells materials just as any ordinary dealer would, we are of opinion that he is liable for the tax, unless the Act of April 9, 1870 P. L. 59 relieves him, and we think it does not. That act is no longer in effect, having been repealed by the General Mercantile License Tax Act of 1899, which is a comprehensive enactment, wherein the Legislature undertook to revise the whole subject of mercantile taxes and make subject to the tax 'each retail vendor of or retail dealer in goods, wares and merchandise,' without exemption of any kind, repealing 'all acts or parts of acts general, special or local inconsistent' therewith, of which the act of 1870 was one. For the same reason the cited sections of the earlier Acts of May 4, 1841, P. L. 307, April 22, 1846, P. L. 846, and February 27, 1868, P. L. 43, are of no avail in exempting the defendant.

"Our determination, therefore, must be that as to the third branch of his business, under which the gross

volume of sales for the year in question amounts to \$359.62, the defendant is liable for a mercantile tax, and the court erred in concluding otherwise."

Mr. President, I have a few other cases here that I will cite which I will not read at length, which I know you gentlemen will all take as the law on the subject:

Title 72 Purdun's Pennsylvania Statutes, Paragraph 18 on page 2621 reads: Manufacturers and mechanics in general. Manufacturers and mechanics who, whether at their manufacturing establishments or at a separate store or warehouse, sell goods manufactured by other persons, and upon which they have not bestowed their own care, skill and labor, are liable to the tax.

"Manufacturers and mechanics who keep a store or warehouse, distinct from their manufacturing establishments, where they sell goods, manufactured by themselves, are liable to the tax.

"All manufacturers and mechanics who bestow care, skill and labor upon the articles manufactured and sold by them, if the goods are sold—mind you, now, Mr. President—if the goods are sold at the manufacturing establishments; including blacksmiths, tinsmiths, saddlers, wheelrights, plumbers, carpenters, undertakers, millers, merchant tailors, milliners and dressmakers, are exempt from the payment of the mercantile license tax.

"Manufacturers who sell their own products at their factories, or send them to factors or commission merchants to sell are exempt, however, from the payment of the mercantile license tax."

Now, as to the oil refining companies, and they are specifically provided for in this bill under "producers and places of production," where a corporation engaged in the business of manufacturing petroleum products, maintains, apart from its factory, permanent distribution stations, to which oil is transported from the factory, and from which it is sold at wholesale and retail and distributed by motor trucks and wagons, the corporation is liable for the payment of the mercantile tax. Another case on the same subject cited in Purdens, page 2622:

"Where a corporation engaged in manufacturing petroleum products maintains apart from its factory a permanent distributing station to which oil is transported from the factory and from which it is sold by wholesale and retail and distributed by motor trucks, the corporation is liable for the mercantile tax on the business transacted at the station."

Mr. President, there are a few other cases on the same point as to oil companies. However, I will go back and touch upon some other cases.

Coal mining companies—and this is provided for in this present amendment to the bill, under loading pockets—a coal mining company which sells coal at retail from its chutes is a vendor and liable to assessment for payment of a mercantile tax. That is the present law and it has never been questioned.

Mr. President, also in title 72, paragraph 2621, "one carrying on a business of selling goods, wares and merchandise manufactured by him at a store or warehouse apart from his manufactory—(This amendment says places of storage.) What is a warehouse if not a place of storage?), is liable to taxation on the volume of his business done by him at such store or warehouse. This amendment exempts the selling of any merchandise at the storage places.

Mr. President, a few minutes ago I read at length the

case of Commonwealth versus Lutz, 284 Pa. 184, but that is not all. It proposes, as I have just read that anyone who produces, and that means principally oil and coal producers among others, may sell their oil or coal at any loading pocket or at any storage yard they maintain without paying a tax. Let us see what that means. In the case of Atlantic Refining Company versus Van Valkenberg, 265 Pa. 456, it has been held that oil producers who maintain retail outlets or service stations had to pay a mercantile tax and they did in my opinion, under this amendment they do not have to pay a tax. To overcome this condition the oil companies leased out their oil stations to private individuals, who took over the tax, paying the tax while the oil companies got out of the retail field. Now they want to come back into the retail field, and by the bill before us, all they have to do to accomplish this end is to open retail service stations at every oil storage yard they own in the state and then they do not have to pay the mercantile tax, but in so doing they compete not only with the small service stations generally, but with their own lessees who are struggling against the great disadvantage of having to pay the tax.

As for manufacturers generally, whether it be in the line of dresses, candy, or what not, all they have to do to create a gold mine for themselves and stifle competition in the bargain is to open a warehouse, or what passes for a storage place, in any neighborhood of their own choice, and then retail their products without paying a dollar's worth of tax, while the small retail store keeper would have to face, in addition to paying the manufacturer's profit, probably a middleman's profit, also have to pay a mercantile tax. By this subtle method, a manufacturer could open as many retail branches as he pleased, provided he observed the outward forms of the law.

A coal operator can set up loading pockets on any railroad siding in the state and sell his coal at retail without paying the tax. It does not take much imagination, Mr. President, to see how easily this bill might be stretched to fit chain store grocers who package many of their products, mail order houses who by slight changes in their operation simply manufacture their merchandise, put up storage houses and claim they are exempt under the law and sell it to anybody as they please, without paying a tax, who by slight change in their operation become manufacturers, and a host of other large units whose monopolistic habits are well-known to you, and who are willing to accommodate themselves to its provisions by simple changes in their manner of operation.

These illustrations can be multiplied indefinitely, but the point remains that this bill opens the door wide open to a vast growth of monopoly, stifling competition, and driving the small businessman out of competition at the whims of the manufacturer or the oil producer or the coal operator.

Nor, Mr. President, is this the least of the problem, According to the very wording of the bill, it is to operate—shown on page 4, I believe, I may be wrong, but I think it is section 2, page 4—the provisions of this act shall operate prospectively and retroactively and shall be construed to exempt from the payment of the mercantile license tax manufacturers, producers and mechanics for each and every year prior to the effective date of this act, as to business transacted which is exempted by this act.

You may talk about plunderbunds and raids on the public treasury. This would put everything of that sort that ever happened in this state into the shade. Not only are the men who requested the passage of this bill asking the state to surrender to them a large and imposing part of its revenue, at a time when the Governor is crying in bitter agony for more and more economy to save closed state institutions, but they have the insufferable gall to ask refunds on all the money ever paid by them—which this bill now offers to exempt—back to 1899, a little matter of forty-two years. I ask you to consider how many millions of dollars this would syphon off from the State Treasury now, tomorrow and thereafter.

Considering all of this on top of the fact that the state would likewise lose their revenues derived from the small retail store owners, service stations operators or coal dealers forced out of business and whose employees would be forced out of employment.

Should any of you suppose that the harm this bill would do would be small, remember a small drop of ink can discolor a glass of water; that all malignant growths start with one cell but they grow rapidly; that a mountain can crumble finally when one certain grain of sand is dislodged.

United States Senator O'Mahoney, in completing a study of monopolistic practices affecting small businesses said, in his capacity as chairman of the temporary National Economy Committee, a month or two ago, that in order to preserve our democratic way of life, it is of the utmost importance to preserve small businesses and private enterprise by preventing the growth of monopolies which thrive at the expense of the little fellow.

Under this bill Mr. President, the Commonwealth is being sold short. Who is behind this bill? I think I know and I think from what I have told you, you may know too. It is certainly not the small businessman who already paid the tax; it is not the charitable institutions of the state languishing because of insufficient appropriations; it is not the worker who might lose his job if his small businessman employer is forced out of business; it is not any of these men who might be affected by the passage of this bill. It is the manufacturers, the oil men, the coal operators, in and out of this state, the chain store men, all of whom would reach into your pockets, and mine, and enrich themselves at the expense of the needy, of the general public on which monopoly feeds once it eliminates its competitors.

I say with directness that without your knowledge, the eyes of many will see and watch you, as they have done already. I say with Burke, that great English statesman of yesterday, "That a society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the least of it there is within, the more there must be without." Green is a tree, whose branches are of immeasurable length, they spread everywhere and the dew that drips from them infects some chairs of authority.

If laws are the sovereigns of sovereigns, as they say, then let us say with Daniel Webster, "It has honored us; may we honor it." There is no place in this Commonwealth for the doctrine that the law should allow what honor forbids. We owe it to the Commonwealth, to the honor of the men who make its laws, that this hall shall not be the hatching place from which, nor its portals the avenues into which, greed in its many garments and subtle disguises may carry out its nefarious ends.

Mr. President, I spoke to you of a joker. This bill is worse than a joker, it is a malicious one, a vicious one, this bill is worse than a joker, it is a plain, vicious wire pulling, a threat to your honor and a challenge to your intelligence. This bill by all means should be defeated.

If there is any need for clarifying the law let us change the definition of the word or properly define the words "dealers, manufacturers, retailers and wholesalers."

Mr. DENT. Mr. President, I agree with everything the gentleman from Philadelphia says about monopolies. In fact, every week we who come from western Pennsylvania have a very vivid example of what monopolies can do. We who come from western Pennsylvania and who travel the Turnpike have learned how bad food can really be when there is a monopoly which owns all of the food rights on the Turnpike and how stiff the prices can be for the same food you could get elsewhere for much less.

The one thing that disturbs me is that if we remove the word "producers" from this bill, in the amendment, and if we remove the amendment on page three, will the farmer who unloads milk at a loading platform be affected and have to pay a tax.

I agree in substance and fact with what the gentleman from Philadelphia says, but I cannot allow the bill to pass if that amendment is removed if in removing that amendment we tax the farmers.

Mr. WALKER. May I suggest, Mr. President to the gentleman from Philadelphia I was deeply interested in his remarks. My interpretation of this bill is—and if I am wrong I know the gentleman from Philadelphia will correct me, because he has read it very carefully—I started to read the proviso at the bottom of page two, line 28, where it says, "that the provisions of this section shall not apply to the taxation, for mercantile license proposes, of manufacturers, producers or mechanics vending goods of their manufacturer or production, except upon such portion of their business as is transacted at places of business, stores, yard or warehouse operated by them apart from their factories, places of production, loading pockets, storage or workshops, for the purpose of vending their goods nor," and so on.

Now, Mr. President, my interpretation of the amendment that was in House Bill No. 820, was that the tax would not apply except upon the portion of their business as is transacted at these loading pockets and storage places, that were objected to so strenuously by the gentleman from Philadelphia. May I suggest to the gentleman from Philadelphia, just to show the difference in coming from the country and a city like Philadelphia, that the point which worried me in arriving at a conclusion as to how to vote on this bill was the problem of the little man who operates a confectionary store or a drug store and manufactures his own ice cream and disposes of it—whether or not he would have an unfair advantage over a person who bought his ice cream from a large ice cream manufacturer like some we have in Pittsburgh.

I do not see the sinister hand of the oil producer in this, may I suggest to the gentleman from Philadelphia that his illustration of a drop of ink discoloring water is very appropos, because the sinister hand of oil always seems to permeate all the legislation that the gentleman on the left objected to. I can remember reading in the newspapers that there was a time in the legislative history of Pennsylvania that, when the rain struck these windows

the Democrats shivered, "it sounded like gravel," and every time we get a bill to which the Democrats object immediately you will note the hands of the oil producers appear.

In all fairness to those who are interested in protecting interests they have a right to protect, may I suggest nowhere can the oil producers be placed above the milk producers or the producers of any other commodity that is sold in Pennsylvania. I have no grief for the oil producers or the milk producers, neither do I desire to carry the flag for them, but I do not think it is fair to becloud what might be a good piece of legislation by trying to smear it with oil. That is a very common practice which was made very popular at one stage of American history, and this business of seeing an iron hand reaching surreptitiously into every piece of legislation before us is silly. I think if the gentleman from Philadelphia will read the bill carefully he will discover an exception that is noted upon line five, page three, which certainly takes the milk producers and producers of oil out of this bill.

Mr. THOMAS B. WILSON. Mr. President, I do not care a snap of my finger about this bill. I do want to say, however, the oil producer is not in this bill under any circumstances. We are unfortunately in a position where we do not have anything to say about whom we sell our oil or the price as the refinery comes to our tanks and takes the oil and we have nothing to do with it, nothing to do with the price.

We do not pay any mercantile tax under any construction of the law and we are not in this picture at all and nobody can drag us in, because we do not have anything to do with the mercantile tax. We do not sell any oil except to a refinery who comes and gets it and we are not in this picture at all.

Mr. KEPHART. Mr. President, I am somewhat confused by the oratory of the gentleman from Philadelphia, Mr. Jaspan, and would like to interrogate him.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. JASPAN. Yes, Mr. President.

Mr. KEPHART. Mr. President, I would like to ask whether the gentleman from Philadelphia, Mr. Jaspan, is for or against the bill as it came to the Senate from the House.

Mr. JASPAN. Definitely yes, Mr. President.

Mr. KEPHART. Yes what, Mr. President. Is the gentleman for the bill?

Mr. JASPAN. The gentleman from Philadelphia, Mr. Kephart, asked whether I was for or against it. If I said "no" I would be against it. It is very simple.

Mr. KEPHART. I will rephrase my question so that maybe I can understand the answer. Will the gentleman from Philadelphia, Mr. Jaspan, tell me whether or not he is for the bill as it came from the House.

Mr. JASPAN. Against the bill, Mr. President.

Mr. KEPHART. The gentleman from Philadelphia is against the bill?

Mr. JASPAN. That is correct, Mr. President, yes.

Mr. KEPHART. That is all I wanted to know, Mr. President, I think in the speech just delivered by the gentleman from Philadelphia, Mr. Jaspan, you will find a lot of mistakes and a lot of misunderstanding. This bill does not exempt all manufacturers, producers and mechanics from paying this tax when they sell goods to somebody else; it only exempts them when they vend their own

goods at the place of manufacture and they must pay a mercantile tax when they vend those goods at a place apart from their factory or warehouse.

This is merely to put the law into the shape everybody thought it was in before the Supreme Court discovered it was not in that state.

Mr. JASPAN. Mr. President, I stated at the very outset that where a manufacturer puts his own skill and labor and work into a commodity, or merchandise manufactured by him, was sold at that particular place, he is exempt from payment of the tax. There is no question about that. However, where he has a store or warehouse or any other plant he is not exempt, but under this amendment—wait a minute, let us get to the bottom of page 1 in the title, as to the amendments, where it says “or production except business transacted at places of business operated by them apart from their factories, places of business (which was not in the original act and is in the amendment now)—loading pockets, (and if he sells from there and that is not the place of production he does not have to pay a tax)—places of storage—(which were not exempt until now, and now if he sells from the place of storage he is exempt).

Mr. President, the worst feature of this bill, and we are overlooking it, appears on page 4, section 2, the retroactive feature, which says: “The provisions of this act shall operate prospectively and retroactively and shall be construed to exempt from the payment of the mercantile license tax manufacturers, producers and mechanics for each and every year prior to the effective date of this act as to business transacted.” That is a very bad feature and in addition to what I have already said, I will agree with my friend that where a man produces his own goods and sells from that place he is exempt, and where he sells from a store he is not, but if he puts up a store—in any case it is a storage place—he may be permitted to sell in competition with the ordinary business man and still be exempt.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Kephart.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. KEPHART. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, who is intended to be exempt by the use or the word “producers” in this bill.

Mr. KEPHART. Well, as I see it, Mr. President, any one who produces any goods, wares or merchandise, and it depends on the definition of goods, wares and merchandise. I should think it would cover coal, oil, farm produce or any other commodity.

Mr. SHAPIRO. Mr. President, they are not presently exempt under the law.

Mr. KEPHART. They are not presently exempt under the decision of the Supreme Court, which is now up for reargument. They have been exempt for four years—everybody thought they were exempt until the Supreme Court handed down its decision.

Mr. SHAPIRO. Mr. President, have coal dealers been paying taxes on coal produced by them and sold from their mines?

Mr. KEPHART. No. Mr. President, I do not think they have.

Mr. SHAPIRO. Mr. President, the vice in this bill, if anything, lies in the use of the word “producers.” With respect to sales from other places, the trouble arises from the wording and from the failure to read the

act. The amending act says that the taxing act is amended by “exempting from the mercantile license tax so much of the business of manufacturers, and so forth as is produced and manufactured by them, except business transacted at places other than their factories. That means that all goods which are exempt are only those goods which are sold from the place at which they are manufactured.

The exemption is not as the gentleman from Philadelphia, Mr. Jaspán, understood it—excepting taxes from those places—but this bill places a tax on all goods which are not sold from the place, and places it on all goods which are sold from other stations, and it clarifies it by saying on page 3 “the object of this proviso (is) to relieve from the mercantile license tax only so much of the whole volume gross of business annually of manufacturers, producers and mechanics as is not transacted at places of business, stores, yards, or warehouses operated by them apart from their factories, places of production, loading pockets” and so forth.

In other words, Mr. President, while the words used are confusing, the fact is when you analyze them it only exempts the tax when it is sold from the place of business; it does not exempt the tax when it is not sold from the place of business. My complaint about the bill is not that, but my complaint about the bill is if producers were not exempt before they ought not to be put in now, because it will cost the various communities which are looking for this money a great deal of money. If they were exempt before, the word “producers” is not necessary to be included. The only question arising from the decision was whether a producer was to be taxed if he did not add anything to the article which he produced. The case of the plumber is in point, where a plumber bought something and then added labor, whether this added labor should be taxed. The Supreme Court said “No.”

This act says “manufacturers or mechanics vending goods of their manufacture or production” shall not be taxed. That is the way it was originally but the amendment added the word “producers” who produce their own goods shall not be taxed.

As I recall this bill when it was introduced, it was introduced primarily to clarify what was meant by a manufacturer, not what was meant by a producer, and while I can not agree with my friend from Philadelphia that the exception to which he refers is an additional exemption, I say to him on the contrary the exception means simply that those places where merchandise which is manufactured and sold, if those places are not places of manufacture, they are taxed. Therefore I can not agree with him on that point. I do agree, however, that the injection of the word “producers” is unnecessary and should not be in the bill and for that reason I shall vote against the bill because it creates an exempt class which was not in the bill in the first instance.

Mr. JASPAN. Mr. President, I desire to interrogate my colleague from Philadelphia, Senator Shapiro.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. Certainly, Mr. President.

Mr. JASPAN. Mr. President, does the gentleman from Philadelphia, Mr. Shapiro, agree with the amendments in section 2 on page 4 as to the retroactive feature of the bill?

Mr. SHAPIRO. I agree with them, Mr. President, because they were originally in the act in 1899, but they did not pertain to what the gentleman says, because what they mean is that anybody who may now be taxed under the existing law will not have to pay a tax. In other words, it does not create a situation whereby people who paid a tax twenty years ago could be exempt. It simply means that pending cases which would not be affected by this law now will be affected, so I do not agree that this amendment has done anything to the bill. That was in the act originally in 1899.

Mr. JASPAN. Mr. President, I desire to further interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be further interrogated?

Mr. SHAPIRO. Yes, Mr. President.

Mr. JASPAN. Mr. President, will the gentleman from Philadelphia agree that the word "retroactively" should be removed from the bill.

Mr. SHAPIRO. No, Mr. President, I do not agree that it should be.

Mr. JASPAN. The gentleman does not agree, Mr. President?

Mr. SHAPIRO. No, Mr. President, because if the word "retroactively" is removed from the bill, a man who would have to pay a tax for 1940, and under this act should be exempted, would be taxed. In other words this act speaks as of today and would not exempt a person who would have to pay the 1940 tax. That is what is intended, to correct the situation with regard to manufacturers who might in 1941 be taxed for 1940. Nobody could go any further than that because any tax already paid is paid, is not exempt under the law, and cannot be recovered now. That can not be called unfair.

Mr. JASPAN. I desire to further interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the gentlemen from Philadelphia permit himself to be further interrogated?

Mr. SHAPIRO. I will, Mr. President.

Mr. JASPAN. Mr. President, if it is true, if this bill were enacted and became law, and the retroactive feature would enable the Commonwealth to tax a merchant or a manufacturer, whoever he may be, for taxes owing in 1940, what would stop them from attempting to collect taxes owing for the years 1938 and 1939.

Mr. SHAPIRO. Well, Mr. President, if a merchant did not pay the taxes for 1938 and 1939, he should pay it, and this law would make him pay it. If it was more than six years, the statute of limitations would apply. I see no objection to making a man pay a tax that he should pay.

Mr. JASPAN. In other words, it is retroactive, is that correct?

Mr. SHAPIRO. The original act was retroactive and was so intended. This amendment does not change that provision. These acts must be made retroactive or the Commonwealth will lose probably a years' taxes. On the other hand, if the amendment is not retroactive, a person who is not required to pay will be obliged to pay last years' taxes. If he is entitled to the exemption he should not be made to pay the tax.

Mr. JASPAN. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Gertz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GERTZ. I will, Mr. President.

Mr. JASPAN. Mr. President, may I inquire of the Majority Floor Leader whether he would agree to have this bill go over for a day or so or put it on the postponed calendar so we can further study the bill and possibly make amendments that will overcome any objections to the bill.

Mr. GERTZ. Mr. President, this bill has been amended I think once at least, possibly twice, and I believe that our colleague from Philadelphia has misinterpreted the wording of the bill and has a misunderstanding of it. I would like very much to have this bill voted on today, and I do not see any reason why it should not be.

Mr. DENT. Mr. President, I regret the decision that has been made not to have the bill go over in order, as I want to vote for the bill, but if it does not go over, in order to clarify certain provisions of the bill I do not understand, I will have to vote against the bill in its present condition; if it goes over in order, I think we can come to some agreement. This is a House bill and I do not think there is any hurry.

Mr. GERTZ. May I suggest to the gentleman from Westmoreland that those individuals who want to vote against the bill are at perfect liberty to do so. There is nothing to prevent them from doing so.

Mr. DENT. I think that is a very bad attitude to take at this time. We are being accused by the public and the papers of not being able to get together. I do not clearly understand this bill. Questions have been raised in my mind by the gentleman from Philadelphia, Mr. Jaspan, whom I think has made an honest effort to point out some of the things he thinks are bad. At first I was inclined to go along and still am inclined to go along, as I really think it does some good for the coal people up in the anthracite region. However, the attitude of the gentleman from Allegheny, Mr. Gertz, I do not think is fair. I think if the bill goes over a day or two we can get together. Otherwise I will do exactly what the gentleman suggests, vote against it.

Mr. COLEMAN. Mr. President, I think the gentleman from Philadelphia, Senator Jaspan, was in error in asking the Majority Floor Leader, that this bill go over as I think that request should have been directed to the Chair. My interpretation of the bill leads me to believe there are no grounds for the grave fears expressed by the gentleman from Philadelphia, Senator Jaspan, but there are one or two things that I think ought to be cleared up. There is the question as to the amount of tax it will cost the Commonwealth in the event of the enactment of this bill. I think he has also raised one or two other interesting points that have left some doubt in the minds of those who wish to vote for the bill and I again, Mr. President, suggest the gentleman from Philadelphia should have directed his request that the bill go over in order to the Chair, rather than the Majority Floor Leader.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1108, (House Bill No. 820), on final passage, go over in its order until tomorrow in order to give the Senators time to study the bill.

The PRESIDENT. Is there objection.

Mr. GERTZ. Mr. President, I have no objection if this bill goes over in its order until tomorrow. The gentleman from Philadelphia, Senator Jaspan, asked whether we had

any objection if the bill went over in its order for a day or so. That is the part I objected to, because the bill has been amended and will have to go back to the House for concurrence.

However, Mr. President, I have no objection to the bill going over in its order until tomorrow.

Mr. JASPAN. Mr. President, when I said a day or so, I wanted to give sufficient time to the King of Amenders, the gentleman from Philadelphia, Senator Kephart.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Mr. Kephart, who has attempted to be recognized several times.

Mr. KEPHART. Mr. President, I have conserved my time, as I have already amended this bill.

On the question,

Will the Senate agree to the motion?

It was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 78, entitled:

An Act to amend section eight hundred one of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining political parties and political bodies excluding therefrom parties or bodies desiring to overthrow the Government of the United States by force

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. MILLER. Mr. President, I ask unanimous consent to offer the following amendments:

Amend page 1, line 1 of the title, by striking out after the word "amend" and before the word "eight" the word: "[section]"; and inserting in lieu thereof the word: "sections"; Amend page 1, line 1 of the title, by inserting after the word "one" and before the word "of" the following: "and nine hundred seventy-six"; Amend page 1, by striking out lines 15 and 16 of the title and inserting in lieu thereof the following: "providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections the Secretary of the Commonwealth and the courts"; Amend section 1, page 2, line 13, by striking out after the word "amended" and before the word "to" the following: "[by adding thereto a new subsection]"; Amend section 1 (section 801), page 2, by striking out lines 17 to 21, inclusive, and inserting in lieu thereof the following:

(a) Any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total

vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate is hereby declared to be a political party within the State and shall nominate all its candidates for any of the offices provided for in this act and shall elect its delegates and alternate delegates to the National convention State committeeman and also such party officers including members of the National committee as its rules provide shall be elected by a vote of the party electors in accordance with the provisions of this act.

(b) Any party or political body one of whose candidates at either the general or municipal election preceding the primary pooled at least five per centum of the largest entire vote cast for any elected candidate in any county is hereby declared to be a political party within said county and shall nominate all its candidates for office in such county and in all political districts within said county or of which said county forms a part and shall elect such party officers as its rules provide shall be elected therein by a vote of the party electors in accordance with the provisions of this act

(c) Any political body which is not a political party as hereinabove defined but which has nominated candidates for such general or municipal election by nomination papers in the manner provided by this act shall be deemed to be a political body within the meaning of this act but such political body shall not be entitled to nominate its candidates or elect its party officers at primaries held under the provisions of this act

(d) Provided however That the words "political party" and the words "political body" as hereinabove defined shall not include any political party political organization or political body composed of a group of electors whose purposes or aims or one of whose purposes or aims is the establishment control conduct seizure or overthrow of the Government of the Commonwealth of Pennsylvania or the United States of America by the use of force violence military measures or threats of one or more of the foregoing

Amend Section 1, page 2, by inserting after line 21 the following new sections:

Section 2 Section nine hundred seventy-six of the said act is hereby amended to read as follows

Section 976 Examination of Nomination Petitions Certificates and Papers Return of Rejected Nomination Petitions Certificates and Papers When any nomination petition nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act it shall be the duty of the said officer or board to examine the same No nomination petition nomination paper or nomination certificate shall be permitted to be filed if (a) it contains material errors or defects apparent on the face thereof or on the face of the appended or accompanying affidavits or (b) it contains material alterations made after signing without the consent of the signers or (c) it does not contain a sufficient number of genuine signatures as required by law or (d) in the case of nomination petitions if nomination petitions have been filed for printing the name of the same person for the same office except the office of judge of a court of record upon the official ballot of more than one political party or (e) in the case of nomination papers if the can-

didate named therein has filed a nomination petition for the same office for the ensuing primary or has been nominated for the same office by nomination papers previously filed or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office or (g) in the case of nomination papers the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office or if the appellation set forth therein contains part of the name or an abbreviation of the name or part of the name of an existing political party or of a political body which has already filed nomination papers for the same office The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet The action of said officer or board in refusing to receive and file any such nomination petition certificate or paper may be reviewed by the court of common pleas of the proper county upon an application for a writ of mandamus to compel its reception as of the date when it was presented to the office of such officer or board Provided however That said officer or board shall be entitled to a reasonable time in which to examine any petitions certificates or papers and to summon and interrogate the candidates named therein or the person presenting said petitions certificates or papers and his or their retention of same for the purpose of making such examination or interrogation shall not be construed as an acceptance or filing

Upon completion of any examination if any nomination petition certificate or paper is found to be defective it shall forthwith be rejected and returned to the candidate or one of the candidates named therein together with a statement of the reasons for such rejection.

Provided further That no nomination petition nomination paper or nomination certificate shall be permitted to be filed if the political party or political body referred to therein shall be composed of a group of electors whose purposes or aims or one of whose purposes or aims is the establishment control conduct seizure or overthrow of the Government of the Commonwealth of Pennsylvania or the United States of America by the use of force violence military measure or threats of one or more of the foregoing The authority to reject such nomination petition paper or certificate for this reason shall when filed with the Secretary of the Commonwealth be vested in a committee composed of the Governor the Attorney General and the Secretary of the Commonwealth and when filed with any county board of elections shall be vested in such board If in such case the committee or board as the case may be shall conclude that the acceptance of such nomination petition paper or certificate should be refused it shall within two days of the filing of such nomination petition paper or certificate fix a place and a time five days in advance for hearing the matter and notice thereof shall be given to all parties affected thereby At the time and place so fixed the committee or board as the case may be shall hear testimony but shall not be bound by technical rules of evidence The testimony presented shall be stenographically recorded and made a part of the record of the committee or board Within two days after such hearing the committee or board if satisfied upon competent evi-

dence that the said nomination petition paper or certificate is not entitled to be accepted and filed it shall announce its decision and immediately notify the parties affected thereby Failure to announce decision within two days after such hearing shall be conclusive that such nomination petition paper or certificate has been accepted and filed The decision of said committee or board in refusing to accept and file such nomination petition paper or certificate may be reviewed by the court of common pleas of the proper county upon application for a writ of mandamus to compel its reception as of the date when presented to the Secretary of the Commonwealth or such board The application for such writ of mandamus shall be made within two days of the time when such decision is announced If the application is properly made any judge of said court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said application upon the Secretary of the Commonwealth or the county board of elections as the case may be At the time so fixed the court or any judge thereof assigned for the purpose shall review the record made before the committee or board No new testimony shall be taken before such court which shall be limited to the determination of the regularity of such decision and whether it was reasonable in the light of the competent evidence If after such hearing the said court shall find that the decision of the Committee or the board was erroneous it shall issue its mandate to the committee or board to correct its decision and to accept and file the nomination petition paper or certificate It shall be the duty of said court to fix the hearing and to announce its decision within such period of time as will permit the Secretary of the Commonwealth or the county board of elections to permit the names of the candidates affected by the court's decision to be printed on the ballot if the court should so determine

Section 3 This act shall become effective immediately upon final enactment

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 416, (House Bill No. 551), as follows:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts page 60) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the Public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one

thousand nine hundred and thirty-nine" providing for a deficiency in the appropriation to the Department of Property and Supplies for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one providing for payment out of revenues of the fiscal biennial period beginning June first one thousand nine hundred forty-one and preventing lapsing

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred and five thousand dollars (\$105,000) or as much thereof as may be necessary for deficiencies in the appropriation made to the Department of Property and Supplies by the act to which this is a supplement is hereby specifically appropriated to the Department of Property and Supplies for the following purposes (a) the cost of alterations furnishing equipment books and necessary improvements on space in the main Capitol building now occupied or to be occupied by the House of Representatives and the Legislative Reference Bureau and (b) the cost of alterations furnishing equipment and necessary improvements or space in the main Capitol building now occupied or to be occupied by the Senate The deficiency appropriation hereby made may be paid out of the revenues of the fiscal biennial period beginning June first one thousand nine hundred forty-one

Section 2 Neither this appropriation nor the unexpended balance of the appropriation for said purposes made by the act to which this is a supplement shall lapse until such purposes are fully completed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 467, as follows:

An Act authorizing the Secretary of Highways to establish construct and maintain parallel or approximately parallel State highways in townships boroughs incorporated towns and cities in certain cases providing for the payment of property damages resulting therefrom and authorizing the Secretary of Highways to control the direction of the flow of traffic thereover

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 When any State Highway Route or combination of State Highway Routes or portions thereof in the opinion of the Secretary of Highways is inadequate for present or anticipated traffic and the cost of securing the right-of-way necessary for a highway of adequate design on the existing location would be unwarranted in the judgment of the Secretary of Highways or the topography adjacent to the existing location is such that widening is impractical and the establishment and construction of a parallel highway together with the retention of the existing highway will provide ample width of highway for public use the Secretary of Highways may establish construct and maintain a parallel or approximately parallel highway as a State Highway in any township borough incorporated town or city or combination of such political subdivisions and retain the present highway as a part of the system of State Highways provided however that a plan for the establishment and construction of such parallel or approximately parallel highway shall be prepared by the Department of Highways signed by the Secretary of Highways and approved by the Governor and filed as a public record in the Department of Highways Provided that in the establishment construction and maintenance of such parallel highway the Secretary of Highways shall conform to all requirements of the appropriate provisions of present or future laws governing the establishment construction and maintenance of State highways

Section 2 The Secretary of Highways may control the direction of the flow of traffic over parallel or approximately parallel highways established under the provisions of this act by the erection of approved One-Way Traffic signs at the beginning and ending of each parallel or approximately parallel highway and at the entrance of all roads highways alleys or streets connecting therewith

Section 3 Damages occasioned by the taking of private property for the construction of parallel or approximately parallel State highways established under the provisions of this act shall be ascertained and paid in the same manner as now or hereafter provided by law for the payment of damages due to changes of widths or of existing lines and locations of State highways in the political subdivision in which such parallel or approximately parallel highway is so established

Section 4 This act shall take effect immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 532, (House Bill No. 550), on third reading, entitled:

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 9) entitled "An act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions, adoptions of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service, defining certain crimes and misdemeanors imposing penalties and making an appropriation and repealing certain acts and parts thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 700, (House Bill No. 99), on third reading, entitled:

An Act to amend sections one and two of the act approved the twenty-fourth day of June one thousand nine

hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting certain clubs from such limitation and by providing that retail dispenser's licenses may be exchanged or surrendered for liquor licenses without violating the limits upon the number of licenses imposed by such act; and authorizing the Pennsylvania Liquor Control Board to effect such exchange or substitution upon compliance with certain conditions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 790, (House Bill No. 90), entitled:

An Act providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as the United Spanish War Veterans Incorporated.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Luzerne, Senator Miller.

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MILLER. I will, Mr. President.

Mr. BARR. Mr. President, I am not too clear as to the intent of this bill and I wonder if the gentleman from Luzerne will explain it to me. As I read the bill the Veterans' Association must be incorporated and no one else can be recognized. How would that affect the veterans?

Mr. MILLER. Mr. President, as I understand the bill the United Spanish-American War Veterans have been known for years under that title, and in accordance with an act passed by Congress, I believe in 1939, that body was incorporated. This bill merely includes that corporation so that any legislation affecting the United Spanish American War Veterans will be in the name of the United Spanish War Veterans, Inc.

That is the only thing that happens because of this bill.

Mr. SHAPIRO. Mr. President, I should like to interrogate the gentleman from Luzerne, Mr. Miller.

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MILLER. I will, Mr. President.

Mr. SHAPIRO. Mr. President, this bill in my opinion can have no effect unless there is such an organization known as the United Spanish War Veterans, Incorporated. I do not know whether the gentleman from Luzerne knows that, because probably he is happy and fortunate in not being a lawyer. At least, that is my opinion of it.

Will the gentleman from Luzerne tell me what is the

title of this organization and under what laws is it incorporated?

Mr. MILLER. As I understand it, Mr. President, after the termination of the Spanish American War there were organized several organizations pertaining to that particular war. One was the Spanish American War Veterans, one was the United Spanish American War Veterans and one was called the Veterans of the Nicaraguan Campaign, and in 1939 those organizations, the members of which had participated in the Spanish American War, all got together and by an act of Congress were incorporated under the name of the Spanish American War Veterans Incorporated.

Mr. MILLER. Mr. President, I desire to interrogate the gentleman from Luzerne.

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MILLER. Yes, Mr. President.

Mr. DENT. Will this bill exclude, Mr. President, any Spanish American War Veteran who does not happen to belong to the incorporated war society?

Mr. MILLER. I doubt very much, Mr. President, if it will. I delved into this particular bill quite thoroughly last week when it was under consideration and the United Spanish American War Veterans were in convention assembled at Altoona and I have in my files—unfortunately they are not with me at the present time here on the Senate floor—a telegram in the form of a resolution requesting that this bill be enacted.

I am of the opinion, Mr. President, as I have already stated, that all those veterans who participated in the Spanish-American War are included under this organization. Does that answer the interrogation of the gentleman from Westmoreland?

Mr. DENT. No, Mr. President. The thought that comes to my mind is this: if we are dealing in legislation benefitting veterans of the Spanish-American War, I do not see any necessity personally why that legislation should be passed for any specific incorporated group; why can not we just have legislation pertaining to veterans of the Spanish-American War? The thing I am trying to get clear in my mind, I can see this organization wants legislation and that is perfectly all right, but supposing there is a group of individuals who served in the Spanish-American War, there is no provision made for them in this legislation because this only covers those who are members of the United States-American War Veterans, Inc. That word "incorporated" is used pretty badly sometimes—talking, Amos and Andy.

Mr. MILLER. Mr. President, I am of the opinion that these who served in that campaign will be included in any veteran's legislation which will bring about benefits to the individuals. I do not think it is necessary that they belong to the United Spanish-American War Veterans Incorporated.

Mr. DENT. Well now, Mr. President, if that is true then why do we not amend the bill so that all legislation dealing with war veterans of the Spanish-American War shall include those members of the United Spanish-American War Veterans, Inc.? By so doing that would cover the others who are not members of this organization. As I understand it, this is an incorporated organization, and all Spanish-American veterans are not members neces-

sarily of it, because there may be men in the hinterland who never heard of this organization.

Mr. MILLER. Mr. President, may I direct the attention of the gentleman from Westmoreland to section one of the bill, which reads as follows, and I quote section one, "In all existing legislation affecting veterans of the Spanish-American War and organizations of said veterans, all designations or titles of said veterans' organizations shall be corrected to read the United Spanish War Veterans, Inc."

I believe that wording will correct the objection of the gentleman from Westmoreland.

Mr. DENT. Mr. President, maybe I am wrong in my understanding of what the bill does. Maybe it just takes all these organizations which were at one time together and split up and now they want to get together again, is that the idea?

Mr. MILLER. That is right.

Mr. DENT. It incorporates the name!

Mr. MILLER. Mr. President, I believe it simply puts them under the name that the Congress of the United States officially designated for that organization or those who participated in that particular campaign.

Mr. DENT. Mr. President, does the gentleman from Luzerne then believe it is not the intention of this legislation to withhold any legislative benefits from any person who served in the Spanish-American War, by the passage of this act?

Mr. MILLER. I would say it does not, Mr. President, at least I hope so.

Mr. DENT. I am satisfied with that answer.

Mr. SHAPIRO. Mr. President, I think this legislation ought to be given a little more consideration. I would like to vote for this bill if it covers what the gentleman from Luzerne says it is intended to cover, but what right have we now, when the Legislature in 1910 passed an act giving benefits or an appropriation to the Spanish-American War Veterans, or to the John Smith organization of Spanish-American War Veterans, to correct that and say it should read the United Spanish-American War Veterans, Incorporated? That Legislation may not have been intended to apply to this particular organization. Look how this bill reads. This does not apply to subsequent legislation so that if we hereafter pass an act affecting Spanish-American War Veterans it shall deal with the United Spanish-American War Veterans, Incorporated, but it says "in all existing legislation"—not subsequent legislation—but "all presently existing legislation affecting veterans of the Spanish-American War and organizations of said veterans, all designations or titles of said veterans' organizations shall be corrected to read The United Spanish-American War Veterans, Incorporated!" What can be the purpose of this? Certainly it is not intended to affect existing grants or existing laws dealing with the Spanish-American War Veterans. It can only be intended to deal with organizations in the future and therefore why should we have to correct existing legislation by the passage of this bill? You may do exactly what you say you did not intend to do in answer to the gentleman from Westmoreland; you may take an organization calling itself any one of the names you say existed heretofore and change that so that whatever grants or benefits could inure to these existing organizations shall belong to the United Spanish-American War Veterans, Incorporated. I am quite sure

you did not intend that but that is exactly, Mr. President, what this bill will do, if it does not deal with future legislation at all.

Mr. MILLER. Mr. President, I will be very glad to ask that this bill go over in its order so that those points which have been raised on the floor of the Senate today may be clarified.

Mr. WALKER. Mr. President, may I make a suggestion to the gentleman from Philadelphia? I think he is entirely right, in reading the bill carefully. I have been advised by some of those who served in the Spanish-American War and were active in their veterans' organizations that there were several organizations recognized at various times by specific acts of the Legislature. For example, a group of Spanish-American War Veterans were given certain jurisdictional rights in the management of the Soldiers and Sailors Memorial Hall in the City of Pittsburgh. Some of those Spanish-American War Veterans organizations have consolidated and the organization is now known as the United Spanish-American War Veterans, Incorporated. Now, under the act which gives permission or jurisdiction or supervision over the Soldiers and Sailors Memorial Home, the United Spanish-American War Veterans, Incorporated, is not mentioned in the act. Whether or not there are any more bills or whether or not that is what this bill does, is something the individual Senator will have to decide, but that is the explanation given to me by one of the former national officers of the organization.

BILL OVER IN ORDER

Mr. MILLER. Mr. President, I ask unanimous consent that Senate Bill No. 790, (House Bill No. 90), on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 921, (House Bill No. 892), entitled:

An Act authorizing a commission to study recreational facilities available in first class cities imposing powers and duties on said commission.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Will the Senate agree to the bill?

Mr. KEPHART. Mr. President, I ask unanimous consent to offer the following amendments:

Amend section 1 page 2 line 1 by striking out the words "and three" and inserting in lieu thereof the word: "two"; Amend section 1 page 2 line 3 by inserting after the word "Representatives" and before the word "The" the words: "and one of which shall be appointed by the Mayor of such first class city"; Amend section 1 page 2 line 8 by striking out the word "three" and inserting in lieu thereof the word: "two"; Amend section 1 page 2 line 10 by striking out the words "two members" and inserting in lieu thereof the words: "a member"; Amend section 1 page 2

lines 13 and 14 by striking out the words: "from a list of eligibles furnished him by the mayor of such first class city"; Amend section 2 page 3 line 2 by inserting after the word "subject" the words: "provided that it is without cost or obligation to the Commonwealth."

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Kephart.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. KEPHART. Yes, Mr. President.

Mr. SHAPIRO. As I understand this amendment, Mr. President, it is intended to give the Mayor a position on the Commission, is that right?

Mr. KEPHART. No, Mr. President; it gives him the power to appoint one member. Previously he merely handed the Speaker of the House a list from which to choose one member.

Mr. SHAPIRO. Then, the member which he is to appoint is taken from the other members to be appointed? It reduces the number of members to be appointed by the House and the Senate?

Mr. KEPHART. Mr. President, previously the House appointed three and the Senate two; this makes it two and two.

Mr. SHAPIRO. I did not so read it, Mr. President. I thought the House appointed five members. You are giving two to each House!

Mr. KEPHART. That is right.

Mr. SHAPIRO. And then the Mayor of the City will appoint the other, is that correct?

Mr. KEPHART. That is correct, Mr. President.

Mr. SHAPIRO. Is the amendment going to stand that way? I mean it is not going to be amended tomorrow, is it?

Mr. KEPHART. Not unless the gentleman from Philadelphia wants to do so.

And the question recurring

Will the Senate agree to the amendments.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 923, (House Bill No. 943), entitled:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing boards of county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. HEYBURN. Mr. President, I ask unanimous consent to offer the following amendments:

Amend title page 1 lines 7 and 8 by striking out the

words: "except in counties of the second class"; Amend section 441 page 2 line 14 by striking out the words: "Except in counties of the second class."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 957, (House Bill No. 529), entitled:

An Act to further amend section 571 of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that the tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. MALLERY. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Sec. 1, page 2, line 13, by striking out the light-faced bracket before the word: "at"; Amend Sec. 1, page 2, line 13, by striking out the light-faced bracket after the word: "or"; Amend Sec. 1, page 2, line 13, by striking out with light-faced bracket the word "one" and inserting in lieu thereof "a".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1000, (House Bill No. 567), as follows:

An Act to reenact and amend the title and the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 748) entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from indi-

viduals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of and the entire act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 748) entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" are hereby reenacted and amended to read as follows

An Act relating to and regulating the purchase and sale of securities providing for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them in the business of buying securities directly from individuals who are not registered hereunder or in the business of advising others as to the value or investment qualifications of securities and the management of investment accounts and the solicitors of such investment advisers providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and to appoint receivers and prescribing fees and penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 This act shall be known and may be cited as "The Pennsylvania Securities Act"

Section 2 The following terms shall unless the context otherwise indicates have the following respective meanings

(a) The term "security" means any bond stock collateral trust certificate transferable share investment contract certificate under a voting trust agreement treasury stock note debenture certificate in or under a profit sharing or participation agreement subscription or preorganization certificate fractional undivided interest in oil gas or other mineral rights evidence of indebtedness certificate of deposit for a security certificate or instrument representing or secured by an interest in the capital assets or property

of any company other instrument commonly known as a security or certificate of interest or participation in temporary or interim certificate for receipt for guarantee of or warrant or right to subscribe to or purchase any of the foregoing

(b) The terms "sale" and "sell" include every contract of sale or disposition of attempt or offer to dispose of or solicitation of an offer to buy a security or interest in a security for value except that such terms do not include preliminary negotiations or agreements between an issuer and any underwriter. Any security given or delivered with or as a bonus on account of any purchase of securities or any other thing shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. The use of any newspaper or magazine advertisement in connection with the sale of securities to the purchasers specified in section two subsection (f) subdivision (5) hereof shall not be deemed a "sale" which such newspaper or magazine advertisement bears a legible legend in substance as follows: "This offer is confined in Pennsylvania exclusively to national banks and to banks savings institutions insurance companies and trust companies created under the laws of Pennsylvania and to persons registered under the provisions of the Pennsylvania Securities Act."

(c) The term "person" means an individual or a company

(d) The term "commission" means the Pennsylvania Securities Commission

(e) The term "company" means a corporation joint stock company partnership association company syndicate trust or unincorporated organization. As used herein the term "trust" shall be deemed to include a common law trust but shall not include a trust created or appointed under or by virtue of a last will and testament or by a court of law or equity

(f) The term "dealer" means any person other than a salesman who engages in this State either for all or part of his time directly or through an agent who is not registered hereunder as a dealer in selling securities issued by another person. The term "dealer" also includes any person other than a salesman who engages in this State either for all or part of his time directly or through an officer director employee or agent (such officer director employee or agent not being registered hereunder as a dealer) in selling securities issued by such person

The term "dealer" also includes any person other than a salesman who engages in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such person or in the business of buying securities directly from individuals who are not registered hereunder

None of the following transactions shall constitute the person engaging therein a "dealer" within the meaning of this act that is to say

(1) Sales of securities or of certificates of deposit for securities issued or guaranteed by any of the following: The United States or any territory or insular possession thereof the District of Columbia any state of the United States or any political subdivision public instrumentality or agency of a state or territory or any board agency or commission created by the joint action of two or more states or a person created and acting as an instrumentality of the Government of the United States pursuant to the authority of the Congress of the United States

(2) Judicial executors' administrators' guardians' committees' and conservators' sales and sales by receivers or trustees in insolvency or bankruptcy

(3) Isolated transactions in which securities are sold by the owner thereof or by his agent for the owners' account such sales not being made in the course of repeated and successive transactions of a like character by such owner or on his account by such agent and such owner or agent not being the underwriter of such securities

(4) Sales by or for the account of pledge-holders or mortgagees selling in the ordinary course of business

to liquidate bona fide debts securities pledged in good faith as security for such debts

(5) Sales to [National banks or to banks savings institutions] insurance companies [or trust companies created under the laws of this State] authorized by the Insurance Commissioner to carry on an insurance business within this State banks or to persons registered hereunder

(6) Sales of [unsecured] commercial paper

(7) Sales of securities secured by mortgage deed of trust or other lien upon real or personal property where the entire mortgage deed of trust or other lien is transferred with the entire security thereby secured

(8) Sales wherein the issuer a company organized under the laws of this State or a company organized under other laws which has at least one-half of its paid-in capital invested employed or used in this State disposes of its own securities in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer without any commission or fee and at a total expense of not more than three per centum of the proceeds realized thereon and where no part of the issue is used directly or indirectly in payment for patents services good will or for property located outside of this State

(9) Sales wherein the securities are the securities of any corporation organized under the laws of this State whose authorized capital stock added to its other outstanding securities does not exceed twenty-five thousand dollars (\$25,000) shares of stock without nominal or par value being considered for the purpose of this act to be one hundred dollars (\$100) each and such securities are issued and disposed of for the sole account of the issuer in good faith and not for the purpose of avoiding the provisions of this act

(10) The original issuance and sale by any corporation organized under the laws of this State of its [stock] securities in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer so long as the number of stockholders of said corporation does not exceed twenty-five (25) and the securities are issued and disposed of without the use of advertisements circulars agents salesmen solicitors or any form of public solicitation

(11) The distribution by a corporation of securities issued by it to its security holders as stock dividend or other distribution out of earnings or surplus

(12) The issue of securities to the security holders or creditors of a corporation in the process of a bona fide reorganization recapitalization or refinancing of such corporation made in good faith [either] in exchange for the securities of such security holders or claims of such creditors [or partly for cash and partly in exchange for the securities or claims of such security holders or creditors]

(13) The issue of increased capital stock of a corporation sold or distributed by it entirely among its own stockholders

(14) The transfer or exchange [by or on account of one corporation to another corporation of their own securities in connection with a proposed consolidation or merger of such corporations] by the security holders of the securities of one or more corporations who are parties to a merger or consolidation for the securities of the resulting or continuing corporation

(15) The issuance and sale of its own stock by a building and loan association organized under the laws of this State

(16) The issuance and sale of its own securities by a corporation not organized and not engaged in business for profit

(17) The sale to not more than three persons of subscriptions for shares of capital stock of a corporation prior to the incorporation thereof under the laws of this State when no expense is incurred and no commission compensation or remuneration is paid or given for or in connection with the sale or disposition of such securities

Provided however That the Exemptions granted by subdivisions (8) (9) and (10) [and (12)] of this subsection (f) shall not be effective to exempt any person as a "dealer"

until five (5) days after such person shall have filed in the office of the commission or mailed to the commission at Harrisburg Pennsylvania by prepaid registered mail a statement in such form as the commission may prescribe of the facts relied on by such person to bring the proposed transaction within the terms of one or more of said subdivisions (8) (9) or (10) [or (12)] and shall not be effective if the commission shall have notified such person that exemption has been denied

(g) The term "salesman" means any individual employed appointed or authorized by a dealer to sell securities in this State and the term includes any individual employed appointed or authorized by a dealer to engage in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such individual for a dealer or in the business of buying securities directly from individuals who are not registered hereunder

(h) The term "secretary" means the secretary of the Pennsylvania Securities Commission

(i) The terms "fraud" "fraudulent" and "fraudulent practice" include any misrepresentation in any manner of a relevant fact not made honestly and in good faith any promise representation or prediction as to the future not made honestly and in good faith an intentional failure to disclose a material fact any fictitious or pretended purchase or sale of securities the gaining directly or indirectly through the sale of any security of any underwriting or promotion fee or profit selling or managing commission or profit so gross and exorbitant as to be unconscionable and fraudulent [and] any scheme device or other artifice to obtain such a profit fee or commission or to defraud any customer client subscriber or prospective customer client or subscriber of his securities money or property and any act practice transaction or course of business which is fraudulent or which has operated or would operate as a fraud upon a customer client or subscriber or prospective customer client or subscriber Provided however That nothing herein shall limit or diminish the full meaning of the terms "fraud" and "fraudulent" as applied or accepted in courts of law or equity

(j) The term "prospectus" means any circular advertisement pamphlet prospectus program circular-letter circular-telegram or other matter in the nature thereof which offers any security for sale

(k) The term "analysis" means any report letter telegram pamphlet writing or other matter in the nature thereof wherein advice as to the value of securities or as to the advisability of investing in purchasing or selling securities is given or wherein securities are analyzed but does not include documents which are delivered by a registered person to five or less clients

(l) The term "bank" means a bank a bank and trust company a savings bank a trust company or a private bank as defined in the Banking Code or banking institution or trust company organized under the laws of the United States or a receiver conservator or other liquidating agent of any of the foregoing

(m) The term "investment adviser" means any person who for compensation engages in the business of advising others either directly or through publication or writing as to the value of securities or as to the advisability of investing in purchasing or selling securities or who for compensation engages in the business of managing any investment or trading account in securities for other persons or who for compensation and as part of a regular business issues or promulgates analyses but does not include (1) a bank (2) any person giving investment advice in this Commonwealth in isolated instances only provided such person does not represent himself as being in the business of an investment adviser in this Commonwealth (3) any registered dealer or registered salesman (4) any publisher of the bona fide newspaper news magazine or financial publications of general and regular circulation (5) any person whose advice or analyses relate to securities or to certificates of deposit for securities issued or sold by any of the following The United States

or any territory or insular possession thereof the District of Columbia any state of the United States or any political subdivision public instrumentality or agency of a State or territory or any board agency or commission created by the joint action of two or more States or a person created and acting as an instrumentality of the Government of the United States pursuant to the authority of the Congress of the United States (6) any person whose only clients are investment companies insurance companies banks investment advisers registered under this act or fiduciaries of whom at least one co-fiduciary is a bank (7) any person who has fewer than five clients and who does not hold himself out generally to the public as an investment adviser (8) such other persons not within the intent of this subsection as the commission may designate by orders rules or regulations

(n) The term "investment advisory contract" means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account for a person other than a dealer investment company insurance company a bank or fiduciaries of whom at least one co-fiduciary is a bank

(o) The term "investment supervisory services" means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client

(p) The term "assignment" includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor but if the investment adviser is a partnership no assignment of an investment advisory contract shall be deemed to result from the death or withdrawal of a minority of the members of the investment adviser having only a minority interest in the business of the investment adviser or from the admission to the investment adviser of one or more members who after such admission shall be only a minority of the members and shall have only a minority interest in the business

(q) The term "solicitor" means any individual employed appointed or authorized by an investment adviser to solicit persons to contract for or engage the services of such investment adviser

(r) The term "general plan and character of business" as applied to an investment adviser and to that part of the business of a dealer whose business includes that of an investment adviser means (1) the manner of giving advice and rendering analyses (2) the nature and scope of the authority of such person with respect to the funds and accounts of the clients to whom such person renders investment advisory services (3) the basis or bases upon which such investment adviser or dealer is compensated for advising others as to the value of securities or as to the advisability of investing in purchasing or selling securities or for managing any investment or trading account in securities for others or for issuing or promulgating analyses (4) whether such person is engaged or is to engage primarily in the business of rendering investment supervisory services and (5) as applied to an investment adviser also means whether he sells securities of investment companies and if so how he complies with the provisions of Section 13 (b) hereof

Section 3 (a) Unless registered hereunder no dealer shall sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof directly or indirectly in order to produce funds to pay for other investments sold by such dealer or in the business of buying securities directly from individuals who are not registered hereunder (b) Unless registered hereunder as a salesman of such dealer no salesman shall on behalf of any dealer sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such salesman for the dealer for whom he acts as a salesman or in the business of buying securities directly from individuals who are not registered hereunder (c) Unless registered hereunder no investment adviser shall in this State for compensation engage in the business of advising others either directly or

through publications or writing as to the value of securities or as to the advisability of investing in purchasing or selling securities or in the business of managing any investment or trading account in securities for other persons or as part of a regular business issue or promulgate analyses (d) Unless registered hereunder as a solicitor of such investment adviser no solicitor on behalf of any investment adviser shall engage either directly or indirectly in this State in the business of soliciting persons to contract for or engage the services of such investment adviser (e) The list of dealers [and] salesmen investment advisers and solicitors registered hereunder shall at all times be open to the public

Section 4 A dealer or investment adviser to be registered must submit sworn application therefor to the commission in such form as the commission may determine which shall state the principal place of business of the applicant wherever situated the location of his principal place of business and all his branch offices in this State if any his name or style of doing business and address the names residences and business addresses of all persons interested in the business as principals Partners officers directors or managing agents specifying as to each his capacity and title the general plan and character of his business [and] the length of time during which he has been engaged in such business [such application shall also contain a financial statement] and such additional information as to the applicant's previous history record and associations as may be required by the commission Such application shall be accompanied by information and evidence satisfactory to the commission as to the financial responsibility of the applicant Each application shall be accompanied by certificates or other evidences satisfactory to the commission establishing the good repute in business of the applicant his directors officers partners and principals

If the applicant is a corporation organized under the laws of any other state or territory or government and shall not have qualified to do business as a foreign corporation in this State it shall accompany the application with a copy of its articles of incorporation certified by the proper officers of such state territory or government and of its regulations and by-laws if a limited partnership a copy of its articles of partnership and if an unincorporated association organized under the laws of any other state territory or government or having its principal place of business therein a copy of its articles of association trust agreement [or] deed of settlement or equivalent documents

Section 5 Every company organized under the laws of any other state [or] and having no office in this state at which process may be served on it and every nonresident individual applying for registration hereunder as a dealer [or] salesman investment adviser or solicitor shall file with his application an irrevocable written consent under seal that actions against him arising out of doing the business in this State for which he is registered hereunder or from violations of this act may be commenced (a) in civil cases in the proper court of the county in this State where his principal office is located at the time of service or if he has no office at that time in this State in the proper court of any county of this State in which the cause of action may arise or in which the plaintiff may reside [(b) in criminal cases in the proper court of any county of this State in which the cause of action may arise and (c)] (b) in actions by the commission for injunctions against violations by him of the provisions of this act in the Court of Common Pleas of Dauphin County in each case by a service of process upon the commission as his agent Such consent shall stipulate and agree that such service of process and similar service of pleadings and notices in such actions shall be taken and held in all courts to be as valid and binding as if due service had been made upon the person himself according to the laws of this or any other state Such consent shall be authenticated by the signature of all the members of such partnership or if it is a corporation or association shall be authenticated by the signature of the president and secretary thereof and accompanied by a duly certified copy of the resolu-

tions of the board of directors trustees or managers of the corporation or association authorizing the said secretary and president to execute the same In case any process pleadings or notices mentioned in this act are served upon the commission it shall be by duplicate copies one of which shall be filed in the office of the commission and the other immediately forwarded by the commission by registered mail to the dealer [or] salesman investment adviser or solicitor against whom said process pleadings or notice are directed

Section 6 [If the commission is satisfied that an applicant for registration as a dealer hereunder is of good repute and that the proposed plan of business of the applicant is not unfair unjust or inequitable the commission shall register the applicant and] except as hereinafter provided unless the Commission shall have taken affirmative action at an earlier date registration shall become effective thirty (30) days after receipt by the Commission of the complete application and the Commission upon the expiration of such thirty (30) days shall register the applicant The Commission after hearing may by order deny registration of an applicant if the Commission find that the applicant is not of good repute or that the proposed plan of business of the applicant is unfair unjust or inequitable or that the applicant is not of sufficient financial responsibility to deal safely with the public The order fixing a hearing on said application shall operate to postpone the effective date of registration pending final decision by the Commission upon the application but such postponement shall not operate to postpone the effective date of registration for more than one hundred twenty (120) days after receipt of the application or such longer period as the Commission and the applicant agree to Upon registration of an applicant the Commission shall issue to him a registry certificate stating the principal place of business and address of the dealer or investment adviser the names residences and business addresses of all persons interested in the business as principals partners officers directors or managing agents and the fact that the dealer or investment adviser has been registered for the current calendar year as a dealer in securities or investment adviser as the case may be Pending final disposition of an application the commission may for special cause shown grant temporary permission revocable at any time and subject to such terms and conditions as the commission may prescribe to transact business as a dealer or investment adviser hereunder At least ten days before putting into effect a change in the general plan and character of business contained in his application for registration every registered dealer and every registered investment adviser shall notify the commission of such proposed change If the commission is not satisfied that the change is fair just and equitable the commission may within such ten days give notice of that fact to such dealer or investment adviser Thereafter until he shall have been notified to the contrary by the commission such dealer or investment adviser shall not put into effect any such change Upon request from such dealer or investment adviser filed within ten days after the receipt of such notice the commission shall fix a time and place for hearing of which ten days' notice shall be given to such dealer of investment adviser to offer evidence relating to such change If satisfied as aforesaid as a result of said hearing the commission shall thereupon notify such dealer or investment adviser of that fact

Section 7 The certificates of registered dealers and investment advisers shall be in such form as the commission may determine Changes in the certificates necessitated by changes in the personnel of a partnership or in the principals officers directors or managing agents of any dealer or investment adviser may be made at any time upon written application setting forth the fact necessitating the change Upon the issue of the amended certificates the original certificate and the certified copies thereof outstanding shall be promptly surrendered to the commission

Section 8 Upon written application by a registered dealer or investment adviser and upon satisfactory evidence as to [their] good repute fitness and qualification the

commission shall register as salesmen of such dealer or as solicitors of such investment adviser such individuals (not already registered hereunder) as the dealer or investment adviser may request. The application shall be in such form as the commission may prescribe and shall state the residences and addresses of the individual whose registration is requested together with such information as to such salesman's or solicitor's previous history record and association as may be required by the commission. Such application shall also be signed and sworn to by the salesman or the solicitor for whom registration is requested. The commission shall issue to each individual so registered a registration certificate stating his name and residence, the address of the dealer or investment adviser and the fact that he is registered for the current calendar year as a salesman of the dealer or solicitor of the investment adviser. The certificate shall be in such form as the commission shall determine. Upon application either (a) by the salesman or the solicitor if the commission finds that such dealer or investment adviser arbitrarily refuses to apply after a hearing which shall be held at the request of any salesman or solicitor and notice of the time and place of which shall have been sent to the dealer and salesman or investment adviser and solicitor at least seven days prior thereto or (b) by the dealer or investment adviser the registration of any salesman or solicitor shall be cancelled.

Whenever a salesman or solicitor leaves the employ of the dealer or investment adviser on whose application the salesman or solicitor was registered hereunder such dealer or such investment adviser shall at once notify the commission of that fact and such salesman or solicitor shall at once surrender his registration certificate to the commission.

Section 9 If the commission declines [or fails] to register an applicant for registration or to renew an applicant's registration as a dealer [or] salesman investment adviser or solicitor hereunder the commission shall immediately give notice of the fact to the applicant and upon request from such applicant filed within ten days after the receipt of such notice shall fix a time and place for hearing of which ten days' notice shall be given to such applicant and to other persons interested or protesting to offer evidence relating to his application. If satisfied as aforesaid as a result of said hearing the commission shall thereupon register the applicant.

Section 10 All registrations shall expire at the close of the calendar year but new registrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided without filing of further statements or furnishing any further information unless specifically requested by the commission except that applications for renewals of registrations as dealers and investment advisers shall be accompanied by or the applicant shall file with the commission at such further time as the commission may authorize in any case information and evidence satisfactory to the commission as to applicant's financial responsibility and as to customers' or clients' securities in applicants' possession. Applications for renewals must be made not less than thirty nor more than sixty days before the first day of January of the ensuing year. All applications for renewals received otherwise shall be treated as original applications. Provided That if an applicant is registered after December first of any year he may immediately apply for a renewal of his registration for the ensuing year.

Section 11 Any registered dealer may and any individual named in the registration certificate as above provided as a dealer's salesman may in behalf of such dealer sell any securities in this State. Any registered person except a solicitor may engage in the business of investment adviser in this State but a registered salesman may so act only on behalf of the person for whom he is registered [But such] A dealer investment adviser solicitor or salesman shall at all times when [so engaged] acting on the business for which he is registered hereunder carry with him a registration certificate or a copy thereof certified by the commission which shall at any time be shown to [any]

a prospective customer or client upon such customer's or client's request.

No dealer or salesman shall use the fact of his registry by public display or advertisement except as herein expressly provided or the registry certificate or any certified copy thereof in connection with any sale or effort to sell any security except to a prospective customer upon such customer's request.

No investment adviser or solicitor shall use the fact of his registry by public display or advertisement except as herein expressly provided or the registry certificate or any certified copy thereof in connection with any effort to induce a prospective client or subscriber to subscribe to his services except to a prospective client or subscriber upon such client's or subscriber's request.

Section 12 Immediately upon receipt of a dealer's or investment adviser's registry certificate issued pursuant to the authority of this act the dealer or investment adviser named therein shall cause such certificate to be posted and at all times conspicuously displayed in such dealer's or investment adviser's principal place of business in this State and shall likewise forthwith cause a duplicate of such certificate to be posted and at all times conspicuously displayed in each branch office located in this State.

Section 13 (a) No dealer or salesman shall issue or publish in this State any analysis or prospectus until such dealer shall have been registered or temporary permission shall have been obtained as in this act provided. The inclusion on the face of or within a prospectus or in a newspaper or magazine advertisement issued or published by or on behalf of a dealer who has been registered or by whom temporary permission has been obtained as in this act provided of the names of dealers not so registered shall not constitute a violation of this act. Any advertising matter may by an appropriate readily legible legend printed thereon limit the offering thereby made to any particular character of sales or class of transactions in which event such advertising matter shall not be deemed to be for any other or additional purpose. No dealer or salesman shall issue or publish in this State any prospectus unless a copy thereof in which or on a list attached to which the dealer's name appears as a proposed vendor shall have been filed in the office of the commission or mailed to the commission at Harrisburg, Pennsylvania by prepaid registered mail. No dealer or salesman shall issue or publish within this State any prospectus or analysis after notice in writing given to him by the commission that in the commission's opinion the same contains any statement that is fraudulent, false, misleading or otherwise likely to deceive a reader thereof. After three years from the receipt thereof by the commission it may in its discretion destroy any and all documents filed with it or mailed to it under the provisions of this subsection.

(b) No person registered hereunder unless so registered as a dealer or salesman shall as such engage in the issuance, underwriting or promotion of securities except as hereinafter otherwise provided. No person registered hereunder shall purchase securities from or sell securities to his clients or subscribers without fully disclosing to such client or subscriber his interest if any in the securities so sold or purchased. No investment adviser shall issue or publish in this State any analysis until such investment adviser shall have been registered or temporary permission shall have been obtained as in this act provided. No investment adviser shall issue or publish within this State any analysis after notice in writing given to him by the Commission (stating fully the grounds therefor) that in the Commission's opinion the same is fraudulent or contains any statement that is false, misleading or otherwise likely to deceive the reader thereof. Provided That the provisions of this subdivision shall not prevent the sale by any investment adviser to his clients, subscribers or others or the underwriting or promotion by an investment adviser of the securities of an investment company if (1) such investment adviser is registered as an investment adviser under this act and is engaged principally in the business of rendering investment supervisory serv-

ices (2) no sales load is charged on securities issued by such investment company (3) any premium over net asset value charged by such company upon the issuance of any such security plus any discount from net asset value charged on redemption thereof shall not in the aggregate exceed two per cent (4) no sales or promotion expenses are incurred by such company but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expense (5) such investment adviser is the only investment adviser to such investment company and such investment adviser does not receive a management fee exceeding one per cent per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year (6) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser (7) such investment company has only one class of stock outstanding each share of which has equal voting rights with every other share

(c) No dealer or salesman shall sell any security in this State until there shall have been filed with the commission a notice of intention to sell the security in question. Provided That the provisions of this subsection (c) and of subsections (d) (e) (f) and (g) of this Section 13 shall not apply to (a) any security which prior to or within sixty days after the enactment of this act has been sold or disposed of by the issuer or bona fide offered to the public (b) the sale of any security the disposition of which does not constitute a person a dealer within the meaning of Section 2 subsection (f) of this act (c) any security registered with the Securities and Exchange Commission under the provisions of the Securities Act of 1933 (d) any security exempted from any provisions of the Securities Act of 1933 by any subsection of Section 3 (a) thereof or any future similar section other than subsection 11 of said Section 3 (a) (e) the sale of any security the disposition of which is a transaction exempted from any provisions of the Securities Act of 1933 by Section 4 of said act or any future similar section (f) any security issued by a person registered under the provisions of the act approved the fifth day of May one thousand nine hundred twenty-one (P. L. 374) as amended. Upon the filing of said notice such security may be sold by any dealer or salesman registered hereunder except during such period or periods as such sale may be forbidden under or pursuant to other provisions of this act. Within seven days after the filing of said notice or such further time as the commission may authorize in any case there shall be filed with the commission a statement in such form as the commission may prescribe containing the following information relative to the security and the person issuing the same

(1) The name and address of the person and in the case of an organization the names and addresses of the partners trustees directors or other board of management president treasurer secretary auditor or corresponding officers thereof

(2) The state or other government if the person be an organization under the laws whereof such person was organized and a reference to such laws

(3) The general nature of the business transacted within the past five years or to be transacted by such person with if the person be an organization a statement of the purpose for which it was organized or formed

(4) The amount of capital devoted and proposed to be devoted to the business in question with the number of and a classification of the securities issued and to be issued the amount of the secured debt and the unsecured debt with a brief description of the date of issuance maturities and character of such debt and the security if any therefor and the authorized amount of capital stock certificates of beneficial interest or other securities of like character with the number and classes of shares into which the same is divided and a brief description of the respective voting rights preferences right to dividends or profits and rights to capital with respect to each class

(5) The purposes to which the proceeds of the security proposed to be sold are to be applied

(d) The commission may accept in lieu of such statement or of any part thereof a reference to recognized sources of information selected by the commission and containing such information as it deems to be an adequate substitute therefor

(e) The notice of intention above prescribed may be filed by a dealer who proposes to sell the security or by the person issuing the security. The statement shall be filed by or on behalf of the person proposing to sell as principal or the person issuing the security and shall be dated and verified by the oath of such person if an individual or if an organization by the oath of a majority of the partners trustees directors or other members of a managing board thereof or its duly authorized officers or representatives

(f) The commission shall make such investigation of any security of which notice of intention to sell shall have been filed with it as it may deem advisable to enable it to determine whether the sale of such security would be fraudulent or would result in fraud. At any time after the filing of the notice of intention and pending such determination the commission may make an order forbidding the sale of such security which order shall remain in force until revoked by the commission. Such security shall not be sold while such order remains in effect

(g) The failure to submit the statement required by subsection (c) when due shall in the absence of satisfactory explanation be deemed prima facie evidence of fraud. Whenever the commission is of the opinion from information disclosed or in its possession that the sale of any security is fraudulent or would result in fraud it shall fix a time and place for hearing of which notice shall be given to the issuer and the person who has filed with the commission a notice of intention to sell the security in question at which time and place testimony and evidence may be presented by all parties having an interest in the subject matter. If satisfied as a result of said hearing that the sale of said security is fraudulent or would result in a fraud it shall make a finding to that effect. Thereafter such security shall not be sold until and except in accordance with further action by the commission or by the court as provided in this act

Section 14 (a) The commission may at any time require a dealer to file with it a list of securities which such dealer has sold in this State within the preceding six months or which he is at the time selling or any portion thereof and thereupon if it shall appear that any of such offering of the dealer either [(a)] (1) have not been made honestly or [(b)] (2) have not been made on good faith [(c)] (3) have not been made with intent to deceive or defraud or [(d)] (4) have been made without the dealer's having a reasonable amount of information concerning the issuer thereof the commission may in addition to its other powers prohibit the dealer from selling such securities in this State

(b) The commission may at any time require an investment adviser or dealer to submit to the Commission copies of all analyses or any portion thereof issued by such investment adviser dealer or dealer's salesman to clients or prospective clients within the preceding one year and thereupon if it shall appear that any analyses of the investment adviser dealer or dealer's salesman either (1) have not been made honestly (2) have not been made in good faith (3) have been made with intent to deceive or defraud or (4) have been made without the investment adviser dealer or dealer's salesman having a reasonable amount of information concerning the subject matter thereof the Commission may in addition to its other powers prohibit the investment adviser dealer or dealer's salesman from further issuing any analyses in this state so found to be in violation of this section

Section 15 If the commission at any time has reason to believe that any registered dealer or investment adviser has become of bad repute that his plan of business has become unfair unjust or inequitable or is being conducted in an unfair unjust or inequitable manner that he

has become of insufficient financial responsibility to deal with the public that he has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to [believe that the dealer has been guilty of such offense] so believe refuse to renew or revoke said dealer's or investment adviser's registration Notice of the time and place of any such hearing shall be sent to such dealer or investment adviser If the commission believes that the public interest may be endangered by such dealer or investment adviser continuing in business pending or during such hearing the commission may also suspend such dealer's or investment adviser's registration pending [such hearing] the commission's final order In [either] the event of refusal to renew revocation or suspension of a dealer's or investment adviser's registration the dealer or investment adviser shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided In case of revocation or suspension of a dealer's or investment adviser's registration all his registration certificates shall at once be surrendered to the commission upon its request The revocation or suspension of the dealer's or investment adviser's registration shall constitute a revocation or suspension of the registration of all salesmen of the dealer or all solicitors of the investment adviser and notice of its operation on such salesmen's or solicitor's registration shall be forthwith sent by the commission to each of such salesmen or solicitors Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice

Section 16 If the commission at any time has reason to believe that any salesman of any dealer or solicitor of any investment adviser has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to believe that the salesman or solicitor has been guilty of such offense refuse to renew or revoke such salesman's or solicitor's registration Notice of the time and place of such hearing shall be sent to such dealer or investment adviser and to such salesman or solicitor If the commission believes that the public interest may be endangered by such salesman or solicitor continuing in business pending or during such hearing the commission may also suspend such salesman's or solicitor's registration pending [such hearing] In either the commission's final order In the event of the refusal to renew revocation or suspension of a salesman's or solicitor's registration the salesman or solicitor shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided In case of the refusal to renew revocation or suspension of a salesman's or solicitor's registration as a result of proceedings under this section or in case of the refusal to renew revocation or suspension of a salesman's or solicitor's registration as a result of proceedings against a dealer or investment adviser under section fifteen hereof in [either] any such event the registration certificate of such salesman or solicitor shall at once be surrendered to the commission upon its request Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice

Section 17 Any notice required by this act shall be sufficient if sent by registered mail addressed to the dealer [or] salesman investment adviser or solicitor as the case may be at the address designated in the application for registration All testimony taken at any hearing before the commission shall be reported stenographically and a full

and complete record shall be kept of all proceedings before the commission on any hearing or investigation

All decisions of the commission including decisions of the commission not to register a dealer [or] salesman investment adviser or solicitor and decisions to prohibit the issuance or publication of particular prospectuses or analyses or to prohibit the sale of particular securities shall be in writing signed by the secretary of the commission under its seal and shall fully state the grounds therefor

Section 18 Any person aggrieved by any decisions of the commission may file within thirty days thereafter in the Court of Common Pleas of Dauphin County a petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Every such petition shall specify the petitioner's objection to the action and decision of the commission and no objection not so specified and no grounds for such decision not stated therein shall be considered by the court Upon service of a summons upon the commission returnable within ten days from its date the commission shall on or before the return day file an answer in which it shall allege by way of defense the grounds for its decision It shall also on or before the return day of such summons certify to the Court of Common Pleas of Dauphin County the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact [if any] of the commission based upon such testimony exceptions if any a copy of all orders made by the commission in the proceedings and a copy of the action or decision of the commission which the petition calls upon the court to reverse The cost of preparing and certifying such record shall be paid to the commission by the petitioner and taxed as part of the costs in the case to be paid as directed by the court upon the final determination of the case

Upon the filing of the commission's answer the case before the Court of Common Pleas of Dauphin County shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the commissioned shall be disregarded

The case shall be heard upon the record certified to the court by the commission Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the commission for the taking of further testimony

From the decision of the Court of Common Pleas of Dauphin County an appeal may be taken by either party to the Supreme Court of Pennsylvania as in other cases

A judgment sustaining [the] a revocation of or a refusal of the commission to grant or renew a registration shall not bar after one year a new application by the plaintiff for registration nor shall a judgment in favor of the plaintiff prevent the commission from thereafter revoking or refusing to renew such registration for any proper cause which may thereafter accrue or be discovered The court shall have full power to dispose of all costs

Section 19 The commission may require by subpoena or summons issued by it the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to any matter which the commission has authority under this act to consider or investigate and for this purpose it may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence The commission may require or permit any person to file with it a statement in writing under oath or otherwise as to all the facts and circumstances concerning the subject matter under investigation All information of every kind and nature so obtained shall be treated as confidential by the commission and shall not be disclosed to the public except under order of the court but nothing in this section shall be interpreted to prohibit or limit the publication of the commission's rulings or decisions or of summaries abstracts or reports of the evidence received at hearings which resulted in such rulings or decisions or of summaries ab-

tracts or reports of the reasons of the commission for declining to register any applicant if the applicant does not request a hearing upon his application. Provided however That no publication shall be made of lists of security holders clients subscribers or customers of any person and provided further that no provision of this act shall be construed to require or authorize the Commission to require any investment adviser engaged in rendering investment supervisory services and not having the custody of client's funds or securities to disclose the identity investments or affairs of any client of such investment adviser except insofar as such disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act. In case of disobedience of any subpoenas or of the contumacy of any witness appearing before the commission the commission may invoke the aid of the court of common pleas within the jurisdiction of which the principal place of business of the investment adviser dealer solicitor or salesman under investigation in this State is located or of any court of common pleas within the jurisdiction of which the witness may be found and such court may thereupon issue [an order] its subpoena requiring the person subpoenaed to [obey the subpoena] appear before it and there to give evidence to produce books accounts records papers and correspondence or to file a statement under oath as aforesaid touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

Each witness required to attend before the commission shall receive for each day's attendance the sum of two dollars (\$2.00) and shall receive in addition the sum of ten cents (\$.10) for each mile of circular travel by such witness by the usual route between his home and the place where his presence is required. All disbursements made in the payment of such fees shall be included in and paid in the same manner as is provided for the payment of other expenses incident to the administration and enforcement of this act as hereinafter provided for.

The fees for serving a subpoena shall be the same as those paid the sheriff for similar services. The fees and costs of or in connection with any hearing may be imposed by the commission upon any party to the record or may be divided between any or all parties to the record in such proportions as the commission may determine.

Section 20 (a) In any prosecution or proceeding under this act the accused shall be deemed to have knowledge of any fact or circumstances where in the exercise of reasonable diligence he could or should prior to the commission of the offense complained of have secured such knowledge.

(b) In any prosecution or proceeding under this act all papers instruments or documents certified by the secretary under the commission's seal as appearing in the files of the commission shall be presumed to have been filed with the commission at its offices in Harrisburg Dauphin County Pennsylvania by the person on whose behalf said paper instrument or document purports to have been filed.

Section 21 [No person shall by fraud or fraudulent practice induce holders of securities (a) to exchange the same directly or indirectly for any property real or personal tangible or intangible or (b) to permit such person to dispose of such securities for the holders.] No person registered hereunder shall directly or indirectly enter into extend or renew any investment advisory contract or in any way perform any investment advisory contract entered into extended or renewed on or after the effective date of this act if such contract

(a) Provides for compensation to such person on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client.

(b) Fails to provide in substance that no assignment of such contract shall be made by such person without the consent of the other party to the contract.

(c) Fails to provide in substance that such person if a partnership will notify the other party to the contract of any change in the membership of such partnership

within a reasonable time after such change.

(d) Fails to provide for periodic accounting to the client if by the terms of the contract or in fact such person manages any investment or trading accounts in securities for or has custody of the securities of his client.

Provided however That nothing in this subsection shall be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period or as of definite dates or taken as of a definite date or to prohibit an oral investment advisory contract not in violation of this section and terminable at will by the client or subscriber.

Section 22 Any dealer or salesman who shall in this State without being registered hereunder either (a) sell any security (b) engage in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such dealer or by such salesman for a dealer or (c) engage in the business of buying securities directly from individuals who are not registered hereunder [or] and any investment adviser who shall in this State without being registered hereunder engage in the business of advising other persons either directly or through publication or writing as to the value of securities or as to the advisability of investing in purchasing or selling securities or who for compensation manages any trading or investment account for another person or who for compensation and as part of his regular business issues or promulgates analyses or reports concerning securities and any solicitor who shall in this State without being registered hereunder solicit any person to contract for or engage the services of any investment adviser and any person who shall by fraud or fraudulent practice induce holders of securities (1) to exchange the same directly or indirectly for any property real or personal tangible or intangible or (2) permit such person to dispose of such securities for the holders and any person who shall make or shall concur in making any false statement [of fact] in any statement or matter of information required by this act or by the rules or regulations of the commission promulgated hereunder to be filed with the commission or in any prospectus or communication which offers any security for sale or in any oral solicitation to purchase or in any commendatory matter concerning any security with intent to aid in the sale of the same or in any analysis or who shall make any false statement or representation concerning any registration made under the [provision] provisions of this act who shall be guilty of any fraud or fraudulent practice or who shall represent that the Commonwealth of Pennsylvania the commission or any member thereof the Department of Banking or any officer or employee of any of the foregoing has approved of or recommended any security [and any person violating section twenty-one of this act] shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than five (5) years or both. Any person who shall commit in whole or in part any other act declared unlawful by this statute shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one (1) year or both.

Section 23 Neither the members of the commission nor the secretary nor any deputy examiner clerk or other employee of the commission shall publish or divulge to any one any information contained in or ascertained from any examination or investigation made by the commission or any letter report or statement sent to the commission or any other paper or document in the custody of the commission except when the publication or divulgement of such information is made by the commission pursuant to the provisions of this act or of any other law of this Commonwealth or when the production of such information is required by subpoena or other legal process of a court of competent jurisdiction or when it is used in prosecu-

tions or other court actions instituted by or on behalf of the commission or in cooperation with any other governmental agency or when pursuant to specific written authorization by the commission it is used in investigations by the commission or when the divulgement of such information is made to any other governmental agency security exchange or association of security dealers or of investment advisers with respect to the respective members or proposed members thereof Provided That no divulgement shall be made of lists of security holders customers subscribers or clients of any person and that no divulgement shall be made of the identity investments or affairs of any client or of any investment adviser engaged in rendering investment supervisory services and not having the custody of client's funds or securities except insofar as such disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provisions or provisions of this act

A violation of the provisions of this section by any member of the commission or by the secretary or by any deputy examiner clerk or other employe of the commission shall be sufficient ground for his removal from office In addition any member of the commission or the secretary deputy examiner clerk or other employe committing such violation shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one (1) year or a fine not exceeding one thousand dollars (\$1,000) or both

Section 24 Copies of all papers instruments or documents filed in the office of the commission certified under its seal shall be admitted to be read in evidence in all courts of law and elsewhere in this State in all cases where the originals would be admitted in evidence Provided That in any proceeding the court having jurisdiction may on cause shown require the production of the originals

Section 25 Nothing herein contained shall limit or diminish the liability of any person now imposed by law or prevent the prosecution of any person for the violation of the provisions of any other act

Section 26 The administration of the provisions of this act shall be vested in the commission The commission shall have authority from time to time to make amend and rescind such rules and regulations including rules of practice hereunder before it and to prescribe such forms as may be necessary or convenient to carry out the provisions of this act It shall be the duty of the commission to see that the provisions of this act are at all times properly administered and obeyed and to take such measures and in its discretion to make such investigations upon complaint or otherwise as will or may in its opinion detect the violation of any provision hereof In the event that it shall discover any such violation it shall in addition to revoking any registration take such measures as may be necessary to cause the apprehension and prosecution of all persons deemed guilty thereof The commission may at any time or from time to time and with or without notice make periodic special or other examinations of the books accounts correspondence securities memoranda papers and other records of any investment adviser or dealer engaged in business in this State Provided That the Commission may make no such examinations of any investment adviser engaged in rendering investment supervisory services and not having custody of clients' funds or securities except insofar as such examination may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act which the Commission has reasonable grounds to believe may have been violated Whenever it shall appear to the commission that any person shall have violated is violating or is about to violate any of the provisions of this act or any person registered hereunder is suffering serious impairment to his or its capital structure or is in danger of becoming insolvent the commission may in addition to any other remedies bring an action in equity in the name and on behalf of the Commonwealth of Pennsylvania against any such person [to enjoin such person from doing any act or acts in violation of this act] in any of the several courts of common pleas of Pennsylvania

and may ask for such equitable relief action or remedies as it may deem necessary under the circumstances and the several courts of common pleas in this State shall have jurisdiction over the subject matter and may enter judgments awards decrees or orders which they may deem fit including permanent or temporary injunctions or restraining orders without bond and the appointment of receivers to take possession of any property which may be involved real or person together with any or all books of accounts and papers relating to the same to hold operate distribute or liquidate any such property for the benefit of all persons establishing any interest in the said property Such receiver shall have the rights powers and duties of a general receiver including the power to execute in his name as receiver any instrument incident to the exercise of any power granted to or imposed upon him as receiver In any such court proceedings the commission may apply for and on demand shall be entitled to have issued the court's subpoena requiring forthwith the appearance of any defendant and his employe salesmen or agents and the production of documents books and records as may appear necessary for the hearing of such [petition] application to testify and give evidence concerning the acts or conduct or things complained of in such application [for injunction] In such action the several courts of common pleas shall have jurisdiction of the subject matter and a judgment may be entered awarding such permanent or temporary injunction as may be proper without bond

A certificate under the seal of the commission showing that the persons in question have not been registered either as dealers [or] salesmen investment advisers or solicitors shall constitute prima facie evidence that such persons have not been registered hereunder and shall be admitted in evidence in all proceedings in courts of law or equity within this Commonwealth

Section 27 The commission shall charge and collect the following fees and shall daily pay all fees received into the State Treasury through the Department of Revenue

(a) For the filing of any original or renewal application the sum of ten dollars (\$10)

(b) For each registration certificate of a dealer or investment adviser whether on an original or a renewal application forty dollars (\$40) except as hereinafter provided

(c) For each registration certificate of a salesman or solicitor whether on an original or renewal application ten dollars (\$10)

(d) For each registration certificate of a dealer or investment adviser issued after the [first] thirtieth day of [July] June of any year twenty dollars (\$20)

(e) For each amended registration certificate twenty dollars (\$20)

(f) For the filing of a notice of a proposed change in a dealer's or investment adviser's plan of business twenty dollars (\$20)

(g) For each duplicate of a registration certificate of a dealer or investment adviser twenty dollars (\$20)

(h) For each duplicate of an amended registration certificate of a dealer or investment adviser five dollars (\$5)

For copies of any papers filed in the office of the commission or for the certification thereof for transcripts of testimony taken at hearings before the commission for the preparation of records or proceedings before the commission and for issuing subpoenas and summons the commission shall charge such fees as it shall by general rule or regulation prescribe Provided however That the provisions of this section shall not prohibit the commission from issuing free of charge copies of records to other states or to the United States or any of their agencies

Section 28 This act shall become effective ten days after the final enactment thereof Provided however That all registration certificates issued by the Pennsylvania Securities Commission prior to the effective date of this act under the provisions of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or

orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" as amended shall be valid during the period for which they were issued unless sooner revoked or suspended by the commission for any cause for which the commission is authorized by this act to revoke or suspend a certificate of registration issued by it and all applications and proceedings pending before the Pennsylvania Securities Commission under the provisions of said act approved the thirteenth day of April one thousand nine hundred and twenty-seven shall be continued before the commission and shall be disposed of according to the provisions of the said act And provided further That this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of said act approved the thirteenth day of April one thousand nine hundred and twenty-seven as amended

Section 29 The act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" and all amendments thereto are hereby repealed absolutely

All acts and parts of acts inconsistent herewith are hereby repealed

Section 2 The provisions of this re-enactment and amendment shall be effective ninety (90) days after the final enactment hereof except immediately upon the final enactment of this act the Commission may receive applications for and register applicants for registration as investment advisers and solicitors which registration shall take effect ninety (90) days after final enactment thereof

Section 3 All registrations of dealers and salesmen made under this act prior to the effective date of this re-enactment and amendment shall be effective for the remainder of the registration year for which made unless sooner revoked or suspended

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, with reference to House Bill No. 567, Senate Bill No. 1000, introduced by Representative Levy, I take very great pleasure in commending this bill to my colleagues. It is a bill providing for the registration and supervision of those who engage in the sale of securities. The bill itself has been framed by the Securities Commission of Pennsylvania in conjunction with the Pennsylvania Investment Bankers Association and those two associations have worked for more than a year upon the various points involved.

It is of course, well known to members of the Senate that some years ago, in 1921 and 1923, we decided that the business of investments had developed sufficiently in this state to require public supervision and at that time a series of laws were passed which established the Pennsylvania Securities Commission. Our legislation was based upon the theory that if we had honest men selling

securities, the securities themselves would be worthy of acceptance by the purchaser and consequently, there were provisions in our law requiring the registration of all salesmen, with a vigilant inquiry into their honesty and personal records in order to prevent the victimizing of purchasers.

Now, Mr. President, within the last year or two there have been different people engaged in the sale of securities, known chiefly as investment counsel. They do not themselves sell securities and consequently they do not come under the legislation or the provisions of the previous act, and yet they act as advisors to individuals and individuals by and sell securities very largely in accordance with what they might recommend. Investment counsel have not been required to register and the object of this bill is to bring them under registration.

I might say in passing that there have been several cases within the last two years, one was the case of Mac-Millan Rapp and Company, a brokerage house, which was not a member of the Stock Exchange and hence did not come under the requirements of the law and when the Securities Commission investigated that concern they found that the securities of customers had been hypothecated for loans made to partners and as a result when the concern failed it caused a heavy loss to a large group of people.

Following that came the investigation with reference to Robert J. Boltz, who was an investment counselor. There again he was not under registration, he did not come under the regulations of the Securities Commission, and yet he had secured the confidence of a very large group of people and I think it would be fair to say he abused that confidence. As a result of that there were serious losses involving several million dollars. I think there were one or two similar cases in other states than Pennsylvania. I also believe there was a man by the name of Furman who did a business in Allentown. Those were cases in which the Securities Commission could not protect the people of Pennsylvania because it did not have adequate legislation to do so. This legislation which is now proposed will take care of those cases and take care of them effectively in the future.

I might also say there was a similar bill which was introduced as Senate Bill No. 296, by the Senator from Allegheny, Senator Cox and myself, which was considered by a committee in the House and amended in the Senate and passed, I think, on May 16th by a vote of forty-five to nothing, whence it became House Bill No. 1050, and was referred to the Committee on Banking in the House on May 20th and although more than a month has elapsed since that time, it is still progressing at the rate of progress, which is usual in that legislative body.

However, in the House, Representative Levy introduced an identical bill and that bill has now come to us in the Senate. I have heard other Senators say and also say for myself that while we have pride in our legislation, we have more pride in securing for the people of the Commonwealth of Pennsylvania legislation for which we think there is a need, and therefore under those circumstances we ask our colleagues to vote for the Levy Bill, even though over in the House they have not seen fit to act upon the Cox-Edmonds Bill.

It seems to me there is nothing in the bill that should give us concern. Recently our colleague from Philadelphia, Senator Shapiro, raised a question as to receiver-

ships, which bothered me for a time because I did not understand his question. I think he said the Commission was given the power to appoint receivers. It is not.

Under the terms of this bill the commission may, in addition to any other remedies, bring an action in equity "in the name and on behalf of the Commonwealth of Pennsylvania against any such person (that is, persons violating the terms of the act) in any of the several courts of Common Pleas of Pennsylvania and may ask for such equitable relief, action or remedies as it may deem necessary under the circumstances and the several courts of Common Pleas in this state shall have jurisdiction over the subject matter and may enter judgments, awards, decrees or orders which they may deem fit, including permanent or temporary injunctions or restraining orders without bond and the appointment of receivers to take possession of any property—"

In other words, Mr. President, all it gives the commission is the power to initiate the right to go in before the court and ask for the appointment of a receiver if they deem that is necessary—they do not appoint the receivers themselves—so that it seems to me, Mr. President, that the safeguards here are ample and the need of the communities is great, and under those circumstances I take very great pleasure in asking my colleagues to support this legislation.

Mr. SHAPIRO. First, Mr. President, I want to take issue with the statement made by the gentleman from Montgomery, that this bill in the House received the same speed in passage, or the same treatment, as other bills. I do not think that is quite fair in this case because I happen to know that this bill has been before the Banking Committee and this subject has been before the Banking Committee for many weeks and upon several occasions when we were prepared to do something with the bill gentlemen from various sections of the state suggested that there be amendments inserted, and as a result they not only conferred with us but they conferred also with members of the House, and my understanding was that this particular bill which we have before us here today was the bill in which the amendments would be placed. If I am not correct I am sure the gentleman from Montgomery will correct me in this, that this bill, the Levy Bill, has in it all of the amendments which were considered and adopted by the Banking Committee of the Senate. Therefore it is not fair to say that the bill in the House was kept back. I think that was done with prior knowledge that the bill would be amended.

Mr. EDMONDS. Mr. President, I did not say it was kept back in the House, I said it followed the usual rate of progress in the House.

Mr. SHAPIRO. That is a reflection on the House, Mr. President, because the usual rate of progress was not applied to this. I suppose that this bill might be said to be a bill which was not intended to move in the House and that they were to make the amendments to the bill that were made, also under those circumstances I am quite sure to unduly criticize the House in this case is not quite fair. May I say, I am not undertaking to discuss the question of the usual procedure in the House because if I did that, I would have to make a comparison with the same procedure in the Senate, where some very important bills have not even moved out of committee, but that I think can be left for a subsequent date.

I do feel, however, that the provision of this bill giving the right to the Commission to appoint receivers is a bad precedent. When I say "the right to appoint receivers" I know I used the phrase loosely, but what I meant is, they have the right to go into the courts and ask for the appointment of receivers, and until this Commission is willing to assume the responsibility that it will discuss, inspect, investigate and deal with the advisability of sales of stock which are put on the market, it should not be given the right to determine the financial standing of those brokers or anybody else for the purpose of getting a receiver appointed. It should be given, and has the right under the existing law, to go into court and ask for a restraining order and that is as far as it should be permitted to go.

The Federal Government also has a Securities Exchange Act, and it does not permit its commission to go in and ask for receivers but it allows the usual equity jurisdiction of the court to be invoked by persons who feel the financial situation is such as to warrant the appointment of a receiver.

If we are going to give every commission we create the additional power to go in and on its own motion ask for the appointment of a receiver we are going to set a bad precedent and it strikes me that this bill ought to be amended to take out the right to request the appointment of a receiver and leave that for creditors of the concern, or to leave in the power of injunction, or the restraining order. That in my opinion should be sufficient, because this commission is a commission created to investigate and regulate those bodies; it is not a commission which is authorized to do more than that. If, after investigation, they find that they are doing business in an unauthorized manner, it has the power then to go in and ask that they be restrained but think of the responsibility you are putting on them by giving them that right; every investigator will have the right to act like a securities exchange commission and investigate and keep continual watch over the financial position of those companies so that if they are not doing what is proper they can go in and get a receiver.

I heard the chairman of that commission say to appropriations committee in the House that he was satisfied with the amount of money that was awarded to them, and I suggest to the gentleman from Montgomery, if he will look at that appropriation, he will agree with me at once there is not sufficient money in the commission to enable them to carry out the functions which would justify them in asking that we give them the right to go in and ask for receivers, because if we give them the right to do that then we have the right to say it is our duty to do it and once we say that it is our duty, we place upon them a responsibility which they can not carry out, and as has been pointed out by the gentleman from Montgomery very often, we relieve the public from that duty by at least letting them feel they no longer have the duty of watching their own investments when that becomes the duty of the Commonwealth.

For those reasons, Mr. President, I think that is a bad policy and if the gentleman from Montgomery has no objection I have an amendment prepared which I would like to offer. If there is going to be objection I will not offer it.

Mr. EDMONDS. I think, Mr. President, I will object. Frankly I do not share this fear that the commission will

take the initiative in having receivers appointed—that is under the supervision of the court—and I do not think it will mean a public agency or a commission is going to watch over every investment. I do not think a commission ought to do that, but I think where there are a great number of little people investing who do not know their legal rights, and who would have difficulty in establishing organization to assert those legal rights, it would be a good thing if a commission in the name of the people of the Commonwealth of Pennsylvania should take the initiative in directing the attention of a court to the matter.

Mr. CAVALCANTE. Mr. President, I desire to stand by the gentleman from Montgomery, Mr. Edmonds, in the remarks that he has made. I do not regard his remarks as a reflection upon the House for, if telling the truth is a reflection upon the House then, Mr. President, we are in a very sorry position here; the truth should never be a reflection upon anybody.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Willson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1043, (House Bill No. 571), on third reading, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1111, (House Bill No. 1559) as follows:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractor street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highway of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operator thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring power and imposing duties upon the Departments of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicle and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including certain officers and soldiers of the United States Army Pennsylvania National Guard and Pennsylvania Reserve Defense Corps within the definition of "peace officer"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of "Peace Officer" as set forth in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue and the Department of Highway peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeiture fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

* * * * *

"Peace Officer" A sheriff deputy sheriff constable member of the Pennsylvania State Police State Highway Patrolman or other police officer vested with authority of arrest and such officers and soldiers of the United States Army Pennsylvania National Guard and Pennsylvania Reserve Defense Corps who are designated as military police or traffic control guards while engaged in conveying or transporting troops animals equipment or other army impedimenta upon any highway in this Commonwealth

And said bill having been read at length the third time, and agreed too, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1140, (House Bill No. 611), as follows:

An Act providing for the acquisition by the Department of Forests and Waters in the name of Commonwealth of certain lands in Luzerne Sullivan and Wyoming Counties for use as a State Park making an appropriation for said acquisition providing for the management of said property by said department and defining the uses of which the property shall be put

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of preserving and perpetuating the unparalleled beauty of the several glens which converge and from Rickett's Glen likewise known as Kitchen Creek and the surrounding area thereof all of said area being located in Luzerne Sullivan and Wyoming Counties and for the further purpose of enjoyment of the same by the general public the Department of Forests and Waters is hereby authorized to acquire in the name of the Commonwealth of Pennsylvania the area hereinabove generally described or any portion or portions thereof determined by the department to be necessary the same to be said out preserved and maintained as a State Park

Section 2 The sum of one hundred fifty thousand dollars (\$150,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the purpose of purchasing said property No part of said consideration shall be paid until the title to said property shall be approved by the Attorney General of the Commonwealth

Section 3 After the said property shall have passed into the possession of the Commonwealth the Department of Forests and Waters shall have full control and supervision thereof with power to adopt and carry into effect plans for the improvement preservation and use thereof The department may enforce such rules and regulations not inconsistent with the laws of this Commonwealth as it may make for the protection of life and property the maintenance of good order and the carrying into effect the all and proper use of said property as a State Park The department shall also have power with the approval of the Governor to make and carry out such plans for the profitable utilization of the dead and down timber and

such other operations for the profitable employment of said lands as may not be inconsistent with their full use as a State Park and which the said department deems to be to the best interests of the Commonwealth Any moneys derived therefrom shall be paid into the State Forests and Waters Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1153, (House Bill No. 1513), as follows:

An Act to further amend section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled as amended "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" by exempting assets held by liquidating trustees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled as amended "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as last amended by the act approved the fifth day of May one thousand nine hundred thirty-nine (P. L. 76) is hereby further amended to read as follows

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or

possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for State purposes at the rate of four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock tax or franchise tax imposed by section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking institution savings institution employees thrift or savings association whether operated by employees or the employer or trust company nor to personal property held in the commercial department and owned in its own right by a banking institution savings institution or trust company in liquidation by a received trustee or other fiduciary nor to personal property formerly held by a banking institution in its own right but assigned by it to one or more trustees for liquidation and payment to the creditors and stockholders of such banking institutions it being the intent and purpose of this proviso that no tax be assessed or collected for the years one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven one thousand nine hundred and thirty-eight one thousand nine hundred and thirty-nine one thousand nine hundred and forty and thereafter upon the personal property enumerated herein And provided further That the provisions of this act shall

not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to a tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heylorn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—1

Shapiro.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. SHAPIRO. Mr. President, I desire to explain my vote "no" on this bill. I voted "no" because this bill not only exempts those banks which are insolvent and in the hands of liquidators from the tax in the future, but it exempts them from paying the tax for the years 1935 and forward.

Mr. EDMONDS. Mr. President, may I just say to the gentleman from Philadelphia I had the same thought he had but I made inquiry of the Department of Revenue and it seems the Department of Revenue had sent them letters from time to time that they had no responsibility, and then the Supreme Court handed down a decision and that produced a situation in which they were taxable not only for this year but for two, three, four and five years back; although that did not apply, they were taxable during the time.

Under those circumstances it seems to me there is justice in asking for these exemptions now.

POINT OF INFORMATION

Mr. DENT. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Westmoreland will state his point of information.

Mr. DENT. Mr. President, is there anything now before the Senate excepting Senate Bill No. 1169? I do not believe in stopping debate on bills which are before us but it is silly to debate on bills which have already been defeated or which have passed.

The PRESIDENT. The gentleman from Philadelphia, Senator Shapiro, asked permission to state his reasons for his vote, which is proper.

BILLS OVER IN ORDER

Mr. MALLERY. Mr. President, at the request of the sponsor, I ask unanimous consent that Senate Bill No. 1169, on third reading, entitled:

An Act to further amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance

to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for the purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of public assistance to unemployable persons; substituting the Department of Welfare for the Department of Public Assistance, abolishing the Department of Public Assistance and the State Board of Public Assistance and imposing certain duties in respect to employable persons on the Department of Labor and Industry

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1215, on third reading, entitled:

A Supplement to the act, approved the sixteenth day of June one thousand nine hundred forty-one (Appropriation Act No. 12A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 1218, as follows:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven million dollars (\$7,000,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred forty-one

Section 2 Out of the moneys appropriated by section one of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. GELTZ. Mr. President, in connection with Senate Bill No. 1218, I might state this is another one of the temporary relief appropriation bills to take care temporarily the administration of relief. This bill was introduced the same as one which we passed some time ago, without any allocation in so far as administrative costs or expenses were concerned.

I just want to say at this time, Mr. President, before a vote is taken on this bill, we are perfectly satisfied to have the allocation set forth in the bill but we suggest that it be done in the House by amendment so that we do not lose a day in the passage of the bill.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanias,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 457, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of person designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by enabling the Department of Public Assistance to take measures to rehabilitate persons receiving assistance.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 464, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to Mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by changing the residence requirement for general assistance.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 541, (House Bill No. 650), on third reading, entitled:

An Act to amend section seven of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the motor license fund for the purposes of this act" as last amended by providing for the changing of width lines location or grades of streets in cities of the second class second class A and third class by the Department of Highways without the consent of the city in which said street is located relieving the city from liability for damages in such cases and imposing liability for damages upon the Commonwealth of Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 637, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for instruction and research in aeronautical engineering and for the acquisition, construction and maintenance of airport facilities as an aid to national defense and for other purposes; and empowering said trustees to enter into agreements with Federal officials or agencies with respect to the construction and use of such airports.

The first section of the bill was read.

On the question,

Does the Senate agree to the section?

Mr. CHAPMAN. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 9, by striking out after the word "of" the words "two hundred thousand dollars (\$200,000)" and inserting in lieu thereof the following: "one hundred fifty thousand dollars (\$150,000)."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 712, entitled:

An Act to amend section one and section two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 899) entitled "An act establishing a State Highway in the County of Lebanon; providing for its location, construction, improvement, and maintenance by the Commonwealth," by amending the State Highway Route established by said act and providing that said State Highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 726, entitled:

An Act to provide for two additional law judges of the Court of Common Pleas of the Fifth Judicial District.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 767, (House Bill No. 1095), on second reading, entitled:

An Act to further amend section six of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for

the county of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARR. I should like to know, Mr. President, why it has been asked that this bill go over in its order.

Mr. GELTZ. Mr. President, Senate Bill No. 767 is going over in its order at my request, because I do not like the bill.

Mr. BARR. That answers my question, Mr. President.

BILL RECOMMENDED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 768, (House Bill No. 1127), on second reading, entitled:

An Act defining, regulating and providing for the licensing and registration of employment agents and their representatives, including private employment agents, theatrical employment agencies and nurses' registries; providing for revocation and suspension of licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the Department of Labor and Industry and the Department of Public Instruction; providing penalties; and repealing existing laws

be recommitted to the Committee on Judiciary General.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 783, entitled:

An Act to further amend the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate, and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes." by changing the method by which notice of the formation of a municipal authority shall be made public; further regulating incorporation purposes and existence of the authority; defining procedure whereby an authority can enter into contracts and dispose of its bonds; imposing additional qualifications and duties on members of the authority; imposing civil liability on members of the board and officers of an authority in certain cases; requiring annual audits; imposing additional duties on the court of common pleas; giving authorities right of eminent domain in certain cases; extending with certain limitations the power of Authorities to make certain purchases requiring authorities in certain cases to secure certificates of public convenience from the Public Utility Commission, imposing duties upon said commission and providing for appeals, requiring the filing of financial reports by authorities with and the approval of bond issues by the Department of Internal Affairs and conferring powers and imposing duties upon said department, restricting the appointment

of members of authorities and limiting their salaries, and providing for the voluntary dissolution of authorities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 795, (House Bill No. 640), entitled:

An Act establishing certain public roads and streets and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway and providing for their laying out opening construction and maintenance by the Department of Highways subject to certain terms and conditions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 796, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing Route 46174, Lancaster County.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 797, entitled:

An Act making an appropriation to the Department of Highways for the construction of roadways and parking areas on the premises included in the Pennsbury Memorial.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 854, entitled:

An Act to further amend paragraph six of subsection (b) and subsection (f) of section one thousand two of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of

highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by increasing the legal speed of certain vehicles and changing penalties provided therefor.

And said bill having been read at length the second time and agreed to,

BILL RECOMMITTED

Mr. WADE. Mr. President, I move that Senate Bill No. 854, the bill just read, be recommitted to the Committee on State Government, for the purpose of further consideration and amendment.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 890, (House Bill No. 139), entitled:

An Act to amend section one of the act which became effective on the seventh day of July, one thousand eight hundred and seventy-nine (P. L. 194), entitled "An act to enlarge the jurisdiction of justices of peace, and regulating the fees of constables making sales under this act," further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I do not know who is the sponsor of this bill, but this bill which attempts to enlarge the jurisdiction of aldermen and has, I think, the vice, intentionally or otherwise, of taking away from magistrates the jurisdiction which they now have. In other words, the bill deals with aldermen and magistrates and the bill adds to aldermen the right of jurisdiction in actions of trespass, but when we read the act in its first section, it provides that "it is hereby enacted by the authority of the Commonwealth of Pennsylvania that the aldermen, magistrates and justices of the peace in this Commonwealth shall have concurrent jurisdiction with the courts of Common Pleas in all actions arising from contracts either express or implied," and so forth.

Now the bill, by amendment, takes away the word "magistrates" so that magistrates no longer have any jurisdiction in actions arising from contracts. I am wondering if that is the intent, because if it is we have a

lot of magistrates in Philadelphia who will have very little jurisdiction in law work.

Mr. THOMAS B. WILSON. I was going to say, Mr. President, I was saying that for tomorrow when the bill would come up on final passage.

Mr. SHAPIRO. Mr. President, I am of the opinion this bill should be referred back to committee and in view of what I have already said I suggest that Senate Bill 890 be referred to the Committee on County Government.

Mr. THOMAS B. WILSON. I second the motion, Mr. President.

Mr. COLEMAN. Mr. President, I do not want to ask for a roll call except to have the record show my opposition to the recommittal of this bill.

Mr. WATKINS. Mr. President, I would like the record to show the same action on my part.

MOTION TO RECOMMIT BILL

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 890, (House Bill No. 139), the bill just read, be re-committed to the Committee on County Government, for the purpose of further study.

Mr. THOMAS B. WILSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. GELTZ, and were as follows, viz:

YEAS 10

Cridger,	Edmonds,	Snowden,	Wilson, H. I.,
Crowe,	Farrell,	Stiefel,	Wilson, T. B.,
Ealy,	James,		

NAYS 33

Barr,	Dent,	Letzler,	Shapiro,
Bartlett,	DiSilvestro,	Mallery,	Stevenson,
Becker,	Geltz,	McCreesh,	Tallman,
Carr,	Haluska,	McGinnis,	Taylor,
Cavalcante,	Heyburn,	Miller,	Thomas,
Chapman,	Homsher,	Mundy,	Tyler,
Coleman,	Jaspan,	Reed,	Wade,
Deltrick,	Lanius,	Ruth,	Walker,
			Watkins,

So the question was determined in the negative

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 890, (House Bill No. 139), on second reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 924, (House Bill No. 1035), on second reading, entitled:

An Act to further amend clause ten of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judi-

cial process; and providing penalties," further defining "new members"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 978, (House Bill No. 1315), entitled:

An Act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-seven (P. L. 589) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of the act" by adding new sections making certain changes in the designation of certain streets taken over as State highways and adding thereto certain additional streets providing for the taking opening relocation widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and the city or either of them designating the city as agent for the Commonwealth in such taking opening relocation widening or change of grade and the determination of damages arising therefrom authorizing agreements for taking opening relocation widening change of grade construction reconstruction repair and maintenance of such State highways appropriating money in the Motor License Fund for the purpose of the act as amended.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1068, (House Bill No. 1234), entitled:

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing the township commissioners from time to time to make supplemental appropriations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1069, (House Bill No. 1236), entitled:

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the township supervisors from time to time to make supplemental appropriations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1071, (House Bill No. 1380), on second reading, entitled:

An Act to further amend the Act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period from which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1084, entitled:

An Act creating a uniform and exclusive system for the correction, training and rehabilitation of young persons convicted of law violations in the Commonwealth, establishing the Youth Corrective Authority; conferring and defining its jurisdiction, duties, powers and functions, including the commitment, control, supervision and discharge of young persons convicted of crime; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employees; authorizing it to make and enforce rules for the accomplishment of its functions, to create administrative districts and to make use of existing institutions and agencies and the facilities of other departments of the Commonwealth; imposing certain duties upon judges and providing for appeals; fixing the salaries

of members of the board and of certain other officers and employees thereof; and making an appropriation.

The first to the third Articles were read and agreed to. The fourth Article was read.

On the question,

Will the Senate agree to the Article?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 413, page 24, line 27, by striking out after the word "order" the following: "of the Superior Court"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the article as amended?

It was agreed to.

The fifth Article was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title, page 1, line 4 of the title, by striking out after the word "Youth" the word "Corrective" and inserting in lieu thereof: "Correction."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

BILL RECOMMITTED

Mr. BARTLETT. Mr. President, I move that Senate Bill No. 1084, the bill just read, be recommitted to the Committee on Welfare, Public Assistance and Pensions for the purpose of further study.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1098, entitled:

An Act relating to the sale, transfer, assignment and pledge of accounts receivable and requiring the assignor of accounts receivable to make appropriate record of the fact of such assignment, and prescribing penalties for failure to do so.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1123, (House Bill No. 1233), entitled:

An Act to amend section three hundred seventy of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing the county commissioners from time to time to make supplemental appropriations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1124, (House Bill No. 1235), entitled:

An Act to further amend section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government and institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing the commissioners of any county institution district from time to time to make supplemental appropriations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1134, (House Bill No. 220), entitled:

An Act to amend section four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a

permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" requiring the Department of Highways to take over structures bridges and viaducts on State highways in cities of the third class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1138, (House Bill No. 502), entitled:

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania, certain land which is the site of an old fortress known as Old Garrison in the City of Franklin, Venango County, or so much thereof as may be necessary as a historical memorial; providing for the control, management, supervision and improvement thereof; authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof; authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1139, (House Bill No. 605), entitled:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof, under the supervision of the Department of Mines, for the purpose of developing new uses and markets for anthracite and bituminous coal.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1142, (House Bill No. 723), entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns

benefits and rights from taxation and judicial process and providing penalties" extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. HOMSHER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 14), page 3, line 19, by striking out with heavy-faced brackets the following "A teacher's" and inserting in lieu thereof: "An employee's," Amend Sec. 1 (Sec. 14), page 3, line 24, by striking out with heavy-face brackets the following: "prior to the age of sixty-two years."

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. WALKER. Mr. President, I move that further consideration of Senate Bill No. 1147 (House Bill No. 1337), on second reading, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims against the Commonwealth arising from failure to lease premises after owners thereof had been induced to expend money thereon

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1148 (House Bill No. 1441), entitled:

An Act to amend routes 52037 and 52044 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing certain routes in the county of Potter.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1149 (House Bill No. 1457), entitled:

An Act establishing certain public roads in Porter Township Clarion County and Mahoning Township Armstrong County as a State highway providing for their construction and maintenance by the Department of Highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1159 (House Bill No. 1570), entitled:

An Act authorizing the Department of Property and Supplies to have a certain number of copies printed of the Report of the Joint State Government Commission on the Organization and Administration of Pennsylvania's State Government providing for the distribution and sale of such copies imposing new duties on the Joint State Government Commission and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1161 (House Bill No. 1659), entitled:

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons associations and corporations

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1162 (House Bill No. 1660), entitled:

An Act to amend section seven hundred and thirty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof included escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities

belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by authorizing the furnishing of certain confidential information to other states and the United States.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I should like to call to the attention of the sponsor of this bill or somebody who is interested in it that this act makes an amendment to the provisions dealing with confidential information. The present law is that no information may be given by an administrative body. The exception is except that such information may be given to any other state or to the government of the United States where such state or the United States by law authorizes the furnishing of similar information to the Commonwealth of Pennsylvania. Then after that, Mr. President, it goes on to say that any person or agent divulging such information shall be guilty of a misdemeanor.

In other words, while it permits the information to be given to any state or the United States in special cases it does not delete from the act the penalty for giving such information.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1162, (House Bill No. 1660), on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1194, (House Bill No. 1121), entitled:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1209, (House Bill No. 1722), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1210, (House Bill No. 1729), entitled:

An Act to add section fourteen and one-tenth to the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" authorizing the Secretary of Highways and the various political subdivisions with the approval of the Water and Power Resources Board to grant easements and flowage rights to the Federal Government over certain highways roads streets and bridges.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WATKINS. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend section 1, page 1, line 1 by striking out the word "The" where it first occurs in said line and insert the following: "That section seven of the"; Amend section 1, page 3, by striking out in lines 1, 2 and 3 the following: "by adding thereto after section fourteen a new section to read as follows" and insert in lieu thereof:

to read as follows:

"Section 7. General Powers of Board; Payment of Taxes by Commonwealth—In order to carry into effect the official plans for any flood control district, the board shall have power to clean out, widen, alter, deepen or change the course, current or channel of any river or stream; to fill up any abandoned canal or water course; to construct and maintain levees, dikes, walls, revetments, dams, lakes, reservoirs, and other works and improvements deemed necessary to prevent floods and to control, preserve, and regulate the flow of waters and streams; to construct or enlarge bridges and viaducts; to construct, relocate, and elevate public highways; to construct any of said works and improvements across, through or over any public highway, canal, railroad, right of way, or track; to remove

or change the location of any fence, building, railroad, canal, or other improvement; to acquire by donation, lease, purchase or condemnation, and own or hold, in the name of the Commonwealth, real and personal property and easements and the public works erected and constructed under the authority of this act. Provided, however, That nothing contained in this act shall be construed to authorize the construction, maintenance or operation of any facilities, works or improvements for the development of water power.

"Whenever any lands or other property is acquired by the board to be used for reservoir purposes, the board for the assessment and revision of taxes or the county commissioners of the county wherein the same is located, shall, immediately after such acquisition, certify to the Auditor General the assessed valuation of such lands and other property at the time of such acquisition. After such acquisition, the taxing authority of each political subdivision within which such lands or other property is located, shall, from year to year, at the time of their annual levy of taxes, certify to the Auditor General the rate of their respective levies for the next year. Thereupon the Auditor General shall ascertain the amount of taxes which would have been collected upon the assessed valuation certified as hereinbefore provided, at the respective rates of the levies so certified. Upon the ascertainment of such amounts, the same shall be paid by the Commonwealth to the several political subdivisions, from time to time, from the General Fund.

"Section 2. That said act is hereby further amended by adding thereto after section fourteen a new section to read as follows:

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. WATKINS. Mr. President, I desire to offer amendment.

The Clerk read the amendment as follows:

Amend section 2, page 3, line 15 by striking out the figure "2" and insert the figure: "3".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. WATKINS. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 by inserting before the word "add" the following: "further amend section seven of and to"; Amend title, page 2, line 3 by inserting after the word "Highways" the following: "prohibiting the construction, maintenance or operation of facilities, works and improvements for the generation or development of power and."

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 210, (House Bill No. 152), entitled:

An Act to amend section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 984) entitled "An act relating to transactions between a person acting on its own behalf and the same person acting jointly with others and to make uniform the law relating thereto" by authorizing conveyances from either husband or wife to husband and wife as tenants by the entireties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 707, (House Bill No. 1023), entitled:

An Act prohibiting employers from directly or indirectly offering for sale, selling, procuring for sale, having in possession or under control for sale to employees or others, any merchandise not produced by employers or not handled in the regular course of employer's business; providing exceptions thereto; declaring such prohibited sales to be unfair competition; and repealing prior inconsistent legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1137, (House Bill No. 389), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Farview State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1197, (House Bill No. 1263), entitled:

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1212, (House Bill No. 1760), entitled:

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal, directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employes and expend funds; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1233, (House Bill No. 1483), entitled:

An Act to repeal the act approved the sixteenth day of January one thousand seven hundred and ninety-nine (3 Sm Laws page 338) entitled "An Act to declare Frankford Creek a public highway."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1236, (House Bill No. 1585), entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1252, (House Bill No. 1837), entitled:

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring up-

on the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle," and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1256, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain plots of land.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, June 24, 1941, at 12:00 o'clock, noon, Eastern Standard Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:44 o'clock, p. m., Eastern Standard Time until Tuesday, June 24, 1941, at 12:00 o'clock, noon, Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, June 23, 1941.

The House met at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

O God, our Father, we seek Thy blessing and benediction upon our Nation of which we are a part. Guide our President. Deliver us from bitterly criticizing those who are our leaders. Thou knowest how terrible is their responsibility in guiding our Nation in these troublesome

times. Give each of us a new and worthier appreciation of this land of ours. May we glory in our liberties. In every way may we so act that war may soon cease and the blessed dawn of peace appear over the world.

As representatives and citizens of a great Nation, give us a sunny-hearted faith in one another, and above all, may we look to Thee in prayer. Teach us how to pray and what to pray for. May we ever be humble before Thee and our fellowmen. In Christ's Name, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, June 18, 1941.

The Clerk proceeded to read the Journal of Wednesday, June 18, 1941, when, on motion of Mr. DOLON, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. WILLIAMS and PETTIT.

HOUSE BILL No. 1906.

An Act requiring the Department of Property and Supplies to print and bind additional copies of the Pamphlet Laws of 1919.

Referred to the Committee on State Government.

By Mr. CHAS. A. BRUNNER. HOUSE BILL No. 1907.

An Act to further amend section four of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," providing that certificates of registration shall not be issued to corporation, copartnerships or associations which uphold, practice, teach or advocate the overthrow of democratic form of government or are in any way engaged in any subversive activity.

Referred to the Committee on Judiciary General.

By Mr. J. NOBLE HIRSCH. HOUSE BILL No. 1908.

An Act prohibiting the employment by the Commonwealth or any political subdivision thereof of persons whose philosophy proposes the change of the Government of the United States by means not provided for in the Constitution of the United States; providing for hearings and appeals in dismissal proceedings and declaring inoperative any contract or civil service law or regulation and repealing inconsistent acts.

Referred to the Committee on Judiciary General.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 1909.

An Act to further amend section eighteen of the act, approved the seventeenth day of May, one thousand nine hundred seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," by extending the provisions of the act to all insecticides, germicides or fungicides which are poisons under the terms of said act.

Referred to the Committee on Public Health and Sanitation.

By Messrs. WOODSIDE and KILROY.

HOUSE BILL No. 1910.

An Act authorizing the Department of Highways to construct, repair and maintain highways and runways incident to or a part of airports owned, aided or supported by the Commonwealth or any municipality therein, and appropriating moneys in the Motor License Fund therefor.

Referred to the Committee on Highways.

By Mr. WOODSIDE.

HOUSE BILL No. 1911.

An Act to further amend Route one hundred and ninety-nine of section six of the act, approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants, and employees; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpike or tollroads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act."

Referred to the Committee on Highways.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 238

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and sigend House Bill No. 238, Printer's No. 53, entitled "An Act requiring cities of the second class A having fire departments to allow members of said fire departments twenty-four consecutive hours of rest each week and fourteen days vacation with pay each year except in emergency cases."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 253

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 253, Printer's No. 874, entitled "An act providing for the appointment powers and control of members of volunteer fire companies as special fire police and conferring powers on them at fires attended by their fire companies in any city borough town and township."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 316

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 316, Printer's No. 914, entitled, "An act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public and requiring certification of their authority."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 376

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 376, Printer's No. 913, entitled "An act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled 'An act to consolidate amend and revise the penal laws of the Commonwealth' by prohibiting the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, pre-

sented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 392

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 392, Printer's No. 180, entitled "An act authorizing county treasurers to execute and perfect deeds for seated lands sold for taxes by their predecessors in office."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1190

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1190, Printer's No. 381, entitled "An act relating to coal stripping operations providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines requiring certain information and reports and prescribing penalties."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 1257

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1257, Printer's No. 524, entitled, "An act to add section three and one-tenth to the act approved the fifteenth day of May one thousand nine hundred and thirty-nine (Pamphlet Laws 134) entitled 'An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties' providing for an extension of time on permits for such displays when not made on the day designated in the permit."

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 398

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 19, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 398, Printer's No. 883, entitled, "An Act Authorizing the Department of Highway

to take over bridges viaducts and other structures on State highways for the purpose of construction reconstruction maintenance and repair thereof when such highways are designed as essential National Defense Highways."

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 578

Commonwealth of Pennsylvania,
Governor's Office Harrisburg, June 19, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 578, Printer's No. 65, entitled, "An Act providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously and to make uniform the law with reference thereto."

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 1265

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 19, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1265, Printer's No. 540, entitled, "An Act to amend section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act' by changing a certain route."

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 1346

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 19, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1346, Printer's No. 654, entitled, "An Act designating certain days of each year as Arbor Days and Bird Days one of which shall be the ninth day of April except when the ninth day of April falls on Saturday Sunday or Good Friday providing that the week of the ninth of April be proclaimed as Conservation Week and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers."

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 276

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 20, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved House Bill No. 276, Printer's No. 585, entitled "An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects."

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 179

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 23, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 179, Printer's No. 345, entitled, "An act validating the title to real estate purchased at judicial sales for unpaid taxes or municipal assessments where there is a defect in the names of the parties in certain cases and providing certain exceptions."

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 717

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg June 23, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 717, Printer's No. 908, entitled, "An Act relating to criminal procedure providing for the securing of attendance of witnesses from within or without the State in criminal cases and making uniform the law in reference thereto."

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 1636

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 23, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1636, Printer's No. 660, entitled, "An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government."

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 1670

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 23, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1670, Printer's No. 726, entitled, "An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits and making such sections lawful sewers of such cities."

ARTHUR H. JAMES

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

REAL ESTATE

A communication from John J. Guerin, Philadelphia, addressed to the Speaker, opposing passage of House Bill No. 1626, regulating use and occupancy of buildings in cities of the first class.

Referred to the Committee on Cities First Class.

TEACHERS

A resolution from the Philadelphia Boosters Association favoring legislation for the removal of Communist Fascist or Nazi teachers.

Referred to the Committee on Education.

SCHOOLS

Communications from citizens of Philadelphia, addressed to the Speaker, opposing passage of House Bills Nos. 1746, 1357 and 1445.

Referred to the Committee on Education.

SCHOOLS

A communication from Mrs. Alex Reisbord, Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 706, providing funds for free lunches and milk for underprivileged children and opposing passage of House Bills Nos. 1746, 1357 and 1445.

Referred to the Committee on Education.

POLITICAL PARTIES

A telegram from the Committee for Peoples Rights of Eastern Pennsylvania and the Communist Party of Eastern Pennsylvania, addressed to the Speaker, opposing passage of Senate Bill No. 172, further defining political parties.

Referred to the Committee on Elections.

LOCAL OPTION

A communication from The Evangelical Crusader, Harrisburg, addressed to the Speaker, favoring support of Senate Bills Nos. 396 and 669, changing the date for the exercise of local option.

Referred to the Committee on Elections.

LIQUOR LICENSEES

A communication from the Retail Liquor Dealers Association, addressed to the Speaker, favoring passage of House Bill No. 329, regulating liquor licenses.

Referred to the Committee on Liquor Control.

CHIROPRACTIC BOARD

A telegram from the Philadelphia County Medical Society, addressed to the Speaker, opposing passage of House Bill No. 1048, creating a separate Chiropractic Board.

Referred to the Committee on Professional Licensure.

NATIONAL GUARD

A communication from William J. Johnson, Commander, Nathan Holmes Post. No. 362, American Legion, West Chester and Frank Triplett, Adjutant, Moore-Triplett Post No. 451, American Legion, Jenkintown, favoring passage of House Resolution No. 86, memorializing Congress to enact legislation permitting enlistment of members of the colored race in the National Guard.

Referred to the Committee on Rules.

UNITED NATIONS OF THE WORLD

Telegrams from citizens of Pennsylvania, addressed to the Speaker, favoring adoption of House Resolution No. 103, memorializing Congress to create a Federal Union of Nations to be known as the United Nations of the World.

Referred to the Committee on Rules.

TENURE IN EMPLOYMENT

A communication and resolution from the Pennsylvania State Education Association, Harrisburg, addressed to the Speaker, favoring passage of House Bill No. 413, prohibiting employment of persons whose philosophy proposes the change of the government of the United States.

A telegram from The Committee For Peoples Rights, Philadelphia, and the faculty of the Roxborough High School, opposing passage of House Bill No. 413.

Referred to the Committee on State Government.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Paul A. Brunner for Mr. WOLF for tonight and tomorrow.

Mr. Melchiorre for Mr. SCANLON for tonight's session.

SENATE MESSAGES

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 23, 1941.

Resolved, (If the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday June 30, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 30, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate? It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 17, 1941.

Resolved (if the Senate concur), that House Bill No. 1413, Printer's No. 513, entitled "An act requiring the Department of Highways of the Commonwealth of Pennsylvania after the use of any highway as a detour has been discontinued to restore promptly such highway to substantially the same condition as it was prior to its use as a detour," be recalled from the Governor for further consideration.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 364

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 364.

An Act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents' amplifying the provisions thereof as to persons entitled to such payments,"

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 352.

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fifth class imposing certain charges on counties and prescribing penalties

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 352.

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fifth class; imposing certain charges on counties, and prescribing penalties.

SENATE BILL No. 996.

An Act to further amend section four of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled as amended "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements

with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" empowering the General State Authority through the exercise of its powers under existing law to construct equip furnish maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth

SENATE BILL No. 998.

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell convey or exchange the Executive Mansion located at Front and Barberry Streets in the City of Harrisburg County of Dauphin

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

HOUSE BILL No. 611.

An Act providing for the acquisition by the Department of Forests and Waters, in the name of the Commonwealth, of certain lands in Luzerne, Sullivan, and Wyoming Counties, for use of as a State Park; making an appropriation for said acquisition; providing for the management of said property by said department and defining the uses to which the property shall be put.

HOUSE BILL No. 1513.

An Act to further amend section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled, as amended, "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, partnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships, conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," by exempting assets held by liquidating trustees.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 284.

An Act making an appropriation, from the Motor License Fund, to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

HOUSE BILL No. 300.

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation, in Elk Township, Warren County, Pennsylvania.

HOUSE BILL No. 1321.

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

HOUSE BILL No. 1334.

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

MR. FALKENSTEIN IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1878, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith" as amended, by providing for the appointment of a deputy school treasurer, a deputy school controller and clerks to the school controller.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1741, entitled:

An Act to control the practice of accounting by defining and regulating the practice of public accountancy by those qualified by the Commonwealth to practice as certified public accountants or as public accountants.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 513, entitled:

An Act to further amend section twelve of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," granting certain retirement rights to persons who have withdrawn from and returned to school service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1671, entitled:

An Act to further amend subsections seven and nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," fixing the minimum salary and increments of members of the teaching and supervisory staff in school districts of the fourth class; increasing the percentage of state-aid for all districts; and providing additional state-aid through and equalization fund created by this act to be maintained from State appropriations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1790, (Senate Bill No. 806), entitled:

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating sabbatical leaves for certain school employees.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1476, (Senate Bill No. 459), entitled:

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1757, (Senate Bill No. 508), entitled:

An Act to amend section two thousand three hundred twenty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by authorizing the State Council

for the Blind to furnish certain aids and services to needy blind persons for persons with impaired vision for the purpose of restoring or improving their vision, and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1823, (Senate Bill No. 367), entitled:

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Millersville State Teachers' College, to contract with the Borough of Millersville for the erection of a sewage disposal plant and the connection therewith and use thereof by the Millersville State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1782, (Senate Bill No. 785), entitled:

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational education; and making provision for additional types of vocational education for which funds may be provided by Congress.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1107, (Senate Bill No. 51), entitled:

An Act authorizing and empowering school districts of the first class to furnish food, including milk, to undernourished and poor school children in their districts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1549, (Senate Bill No. 241), entitled:

An Act to further amend section two thousand six hundred and four of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the audit of accounts of fourth class school districts by the borough or township controller or auditors.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1841, (Senate Bill No. 1095), entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for minimum salary and increments of part-time teachers of children of exceptional physical or mental condition unable to attend regular public school and for payments by the Commonwealth on account thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1622, entitled:

An Act placing corporations operating cemeteries and burial grounds under the control of the Department of Banking authorizing said Department to make examinations of the affairs of such corporations at the cost of such corporations and in certain cases with the approval of the Department of Justice, to take over and operate the same and imposing certain duties on the court of common pleas.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1866, (Senate Bill No. 905), entitled:

An Act to further amend clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rents leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is

a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustees to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" extending the provisions of said act to cases where real estate is held by entreties and the one spouse has been declared weak-minded or mentally incompetent.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1209, (Senate Bill No. 1), entitled:

An Act providing that when inmates of an orphan's home or other children's institution or private home are maintained at the cost of any county other than a county of the second class or at the cost of a county institution district other than in a county of the second class and attend public school and are not legal residents of such school district the county shall pay their tuition charges and collect the same from the school district liable therefor

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 448, entitled:

An Act to further amend clause (e) of section seven and to amend the first paragraph of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; Providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by re-defining eligibility for assistance, providing for appeals from certain decisions of the Department of Public Assistance to common pleas courts, and imposing powers and duties on common pleas courts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 413, entitled:

An Act prohibiting the employment by the Commonwealth or any political subdivision thereof, of persons whose philosophy proposes the change of the government of the United States by means not provided for in the Constitution of the United States declaring inoperative any contract or civil service law or regulation providing for tenure in employment; and repealing inconsistent acts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Falkenstein, for presiding.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1577, (Senate Bill No. 561), entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedures for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by amplifying and changing the powers and duties of the commission its employees and commissioners further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon providing for appeals by the commission to appellate courts changing certain provisions of said act relating to removal notices providing for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties.

The first to the tenth sections inclusive were separately read and agreed to.

The eleventh section was read.

On the question,

Will the House agree to the section?

Mr. O'BRIEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 11, page 22, lines 18 and 19, by removing the underscoring in said lines.

The amendment was agreed to.

The section was agreed to as amended.

The twelfth to the seventeenth sections inclusive were separately read and agreed to.

The eighteenth section was read.

On the question,

Will the House agree to the section?

Mr. O'BRIEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 18, (sec. 27) page 34, lines 5, 6 and 7, by striking out the words "[at all times] subject to reasonable safeguards, rules and regulations and to the provisions of this act]" and inserting in lieu thereof the following: "at all times subject to reasonable safeguards, rules and regulations]."

The amendment was agreed to.

The section was agreed to as amended.

The nineteenth section was read.

On the question,

Will the House agree to the section?

Mr. O'BRIEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 19, (sec. 28) page 36, line 6, by inserting after the word "election" the following: "[of which warning shall also be contained on the removal notice]."

The amendment was agreed to.

The section was agreed to as amended.

The twentieth section was read.

On the question,

Will the House agree to the section?

Mr. O'BRIEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 20, (sec. 29) page 36, line 9, by inserting after the word "at" the word: "[the]".

The amendment was agreed to.

The section was agreed to as amended.

The twenty-first section was read.

On the question,

Will the House agree to the section?

Mr. O'BRIEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 21, (sec. 30) page 40, line 16, by striking out the word "days" and inserting in lieu thereof the word: "day".

The amendment was agreed to.

The section was agreed to as amended.

The twenty-second twenty-third and twenty-fourth sections were separately read and agreed to.

The twenty-fifth section was read.

On the question,

Will the House agree to the section?

Mr. O'BRIEN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 25, (sec. 35) page 49, line 9, by striking out the word "fifteen" and inserting in lieu thereof the following: "fifteen (15)".

Amend sec. 25, (sec. 35) page 49, line 10, by striking out the word "[hours]".

The amendments were agreed to.

The section was agreed to as amended.

The twenty-sixth to the thirty-seventh sections inclusive and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1720, entitled:

An Act authorizing the Department of Property and

Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1336, entitled:

An Act authorizing and directing the Department of Property and Supplies to reprint the Report of the Commission to Locate the Sites of the Frontier Forts of Pennsylvania and providing for the distribution thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1703, entitled:

An Act limiting the amount of costs of prosecution payable by persons when appeals from the payment of fines for summary convictions are not sustained

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1501, entitled:

An Act authorizing the Secretary of the Department of Forests and Waters to lease a tract of land in Jackson Township Dauphin County to the Susquehannock Indian Tribe.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1747, (Senate Bill No. 788), entitled:

An Act to amend sections one and two of the act, approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereof and providing for the suspension of the registration of any motor vehicle, or of the operator's license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public [service] utility company law; authorizing the rescission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1804, (Senate Bill No. 1023), entitled:

An Act to further amend Section 1033 of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protec-

tion of public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds" extending the provisions of such section for a further period of two years

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1690, (Senate Bill No. 782), entitled:

An Act to further amend subsection (a) (b) and (c) of section one thousand two hundred and one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates pacing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of com-

mission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines penalties and repealing legislation supplied and superseded by or inconsistent with this act" further providing for assessment of regulatory expenses upon public utilities

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 1161, entitled:

An Act requiring cities of the third class to allot the sum of sixty dollars to all uniformed officers and men employed in the police department fire department and health department for the purchase of their prescribed uniforms

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 467. (HOUSE BILL No. 1912).

An Act authorizing the Secretary of Highways to establish, construct and maintain parallel or approximately parallel State highways in townships, boroughs, incorporated towns and cities in certain cases; providing for the payment of property damages resulting therefrom, and authorizing the Secretary of Highways to control the direction of the flow of traffic thereover.

Referred to the Committee on Highways.

SENATE BILL No. 911. (HOUSE BILL No. 1913).

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution.

Referred to the Committee on Legislative Apportionment.

SENATE BILL No. 1218. (HOUSE BILL No. 1914).

An Act making and appropriating to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one.

Referred to the Committee on Appropriations.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 9 p. m.

The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 9 p. m.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

REPORTS FROM COMMITTEES

Mr. GERARD, from the Committee on Appropriations, reported as committed, House Bill No. 1857, entitled:

An Act making an appropriation to the Department of Revenue for the payment of claims against the Commonwealth arising from damage by fire caused by defective wires used for operating airplane beacons.

Mr. REUBEN E. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1888; (Senate Bill No. 1186), entitled:

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen and making an appropriation.

Mr. O'BRIEN, from the Committee on Appropriations, reported as committed, House Bill No. 1792, (Senate Bill No. 994), entitled:

An Act making an appropriation to the Thomas Jefferson Bicentennial Commission of Pennsylvania.

Mr. BONEY, from the Committee on Appropriations, reported as committed, House Bill No. 1807, (Senate Bill No. 1006), entitled:

An Act to amend Route 18033 established by amendment to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Mr. READINGER, from the Committee on Appropriations, reported as amended, House Bill No. 1746, (Senate Bill No. 559), entitled:

An Act prescribing additional powers and duties on the Joint State Government Commission to make a survey of the educational facilities of the Commonwealth conferring upon the commission full power to issue subpoenas to carry out such additional functions and duties and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued imposing duties on departments and agencies of the State government and on colleges and universities and making an appropriation.

Mr. HARKINS, from the Committee on Appropriations, re-reported as committed, House Bill No. 1014, entitled:

An Act to further amend clause eight of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith." by changing the minimum salary of county superintendents.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 1914, (Senate Bill No. 1218), entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one.

Mr. LOVETT, from the Committee on Appropriations, re-reported as amended, House Bill No. 1631, entitled:

An Act authorizing and directing the Department of Highways to erect, construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum, Allegheny County and a point in Westmoreland County, and to provide the necessary approaches and connections with State highways, providing for the acceptance of Federal aid, empowering counties to pay certain damages, and making an appropriation.

BILL ON FIRST READING

Mr. MELCHIORRE asked and obtained unanimous consent for House Bill No. 1914 (Senate Bill No. 1218), to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1914, (Senate Bill No. 1218), entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REPORT OF COMMITTEE TO INVESTIGATE
GAS EXPLOSIONS

Mr. D'ORTONA offered the report of the committee to investigate gas explosions occurring in the twenty-sixth ward of the city of Philadelphia on February 11, 1941, appointed pursuant to House Resolution No. 25.

Printed copies of the report were distributed to the Members of the House.

The SPEAKER. The report will be noted in the Journal and printed in the Appendix to the Legislative Journal.

HOUSE BILL No. 329 PLACED ON CALENDAR

Mr. O'BRIEN. Mr. Speaker, I move that House Bill No. 329, Printer's No. 733, entitled:

An Act to further amend the definition of "Restaurant" in section two and section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees

and imposing penalties" eliminating some of the requirements heretofore imposed upon restaurant licensees.

which was dropped from the calendar under the rule pertaining to bills on the postponed calendar, be placed on the calendar.

The motion was agreed to.

CONGRESSMAN WELCOMED

The SPEAKER. The Chair welcomes to the House this evening Congressman Patrick J. Boland, from the Eleventh Congressional District.

RECONSIDERATION OF SENATE BILL No. 561

Mr. ROSENFELD. Mr. Speaker, I move that the vote by which Senate Bill No. 561 (House Bill No. 1577), Printer's No. 473, entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors and registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by amplifying and changing the powers and duties of the commission its employees and commissioners further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon providing for appeals by the commission to appellate courts changing certain provisions of said act relating to removal notices providing for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties.

on page 7 of today's calendar, bills on second reading, was ordered to be transcribed for a third reading be reconsidered.

Mr. MONKS. Mr. Speaker, I second the motion.

Mr. ROSENFELD. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. MONKS. Mr. Speaker, I second the motion.

The SPEAKER. How did he gentleman from Philadelphia, Mr. Rosenfeld, vote on the motion to transcribe for third reading?

Mr. ROSENFELD. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Monks, vote on the motion to transcribe for a third reading?

Mr. MONKS. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. ROSENFELD. Mr. Speaker, I move that the vote by which this bill passed second reading as amended be reconsidered.

Mr. MONKS. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. ROSENFELD. Mr. Speaker, I move that the vote by which the title and the various sections were agreed to be reconsidered.

Mr. MONKS. Mr. Speaker, I second the motion.

The motion was agreed to.

The first and second sections were separately read and agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend section 3, page 12, line 22 by striking out the word "publicly"

Amend section 3, page 12, line 22 by inserting after the word "given" the following: "by publishing one general notice in at least two daily newspapers each having a paid circulation of at least fifty thousand copies daily in the city."

The amendments were agreed to.

The section was agreed to as amended.

The fourth, fifth, sixth, seventh, eighth and ninth sections were separately read and agreed to.

The tenth section was read.

On the question,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend section 10, page 22, line 12, by striking out the light faced stripe out bracket before the word "by".

Amend section 10, page 22, line 16 by striking out the light faced strike out bracket after the word "registration".

Amend section 10, page 22, lines 16 and 17 by striking out the following: "by such other means as it shall deem advisable."

The amendments were agreed to.

The section was agreed to as amended.

The eleventh section as amended: the twelfth to the seventeenth sections inclusive; the eighteenth, nineteenth, twentieth and twenty-first sections as amended; the twenty-second to the twenty-fourth sections inclusive; the twenty-fifth section as amended, the twenty-sixth to the thirty-seventh sections inclusive and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 382 AND 1126

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 23, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 382, Printer's No. 869, entitled, "An Act authorizing political subdivisions to appropriate money for participation in Federal Surplus Commodities Stamp plans to borrow money and issue bonds for said purpose providing for the payment of such appropriations into a special fund in the State Treasury appropriating the money in such fund and authorizing the purchase of necessary insurance."

House Bill No. 1126, Printer's No. 230, entitled "An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State Government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 383

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 20, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 383, Printer's No. 202, entitled "An act to further amend section one thousand five hundred three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' providing that school districts of the fourth class may employ at their own expense a medical inspector."

This bill would amend Section 1503 of the Act of May 18, 1911, P. L. 309, more generally known as The School Code, by authorizing school districts of the fourth class to provide medical inspection at their expense by appointing a medical inspector possessing certain qualifications who would perform the duties prescribed by the school board, regardless of the fact that the bill still makes it mandatory for the Department of Health to provide medical inspection of all pupils in these districts at its own expense and with medical inspectors appointed by the Secretary of Health.

Under the present law the Department of Health must provide medical inspection of the pupils in these school districts at its own expense with medical inspectors appointed by the Secretary of Health. If the department is unable to furnish such service because of lack of funds, then the boards may provide adequate or additional medical service.

Under this bill school districts of the fourth class would be permitted to provide such medical service, despite the fact that the Department of Health is required to furnish such service.

Obviously, this bill would result in a division of responsibility for providing medical inspection in school districts of the fourth class, since it would cause a duplication and conflict of activities in this field, particularly in connection with the program and the requirements of the Department of Health, whose mandatory duty it is to render this service.

It is evident that the enactment of this bill would result in needless expenditures being incurred by these school districts without justification.

For these reasons the bill is not approved.

ARTHUR H. JAMES.

On the question,

Shall the bill become a law, the objections of His Excellency the Governor to the contrary notwithstanding?

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 124

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 20, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 124, Printer's No. 843, entitled, "An Act to amend the title and the act approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission establishing its jurisdiction, powers and duties, regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk, and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor, requiring milk dealers to file bonds, to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission, conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission, authorizing the commission to adopt rules, regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh, measure,

sample or test milk to procure permits or certificates to take examinations to pay fees therefor, to furnish certain notices, records and statements and to use certain methods of weighing, measuring, sampling and testing, authorizing the commission to examine the business papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby, authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto, providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals, prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission, defining perjury, defining remedies, repealing legislation supplied and superseded by this act and saving rights, duties and proceedings thereunder and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by baliment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers, employes and agents to administer oaths, providing the method and effect of service of certain orders, and the posting of rules, regulations and certain orders, enabling employes of the commission to photograph photostat, mark or stamp for identification books and papers that they have inspected, providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders, requiring milk dealers or handlers to be licensed, stating grounds for refusal, suspension, revocation of licenses or the right to apply for a license or for refusal to transfer licenses, stating the effect of service by registered mail when the addressee refuses to accept or receive such mail, enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers, prescribing the effective date and term of such bonds and providing for their release, providing for the increase or decrease of the amounts of bonds, prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds, providing for the payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers, increasing the scope of regulation of sub-dealers making certain information available to cooperatives and producers' groups, clarifying the requisites of orders fixing prices for milk, providing for the competency of certain statistical testimony and data, providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity or partial invalidity of any order, defining violations of orders of the commission fixing prices, making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for or on behalf of them, giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk, further regulating and imposing duties on milk dealers or handlers, setting up a price fixing procedure, restricting powers of the Governor, prescribing procedure on appeal from orders of the commission, further defining and prescribing penalties defenses rights and remedies, and providing for the payment of funds in the hands of the commission owing to producers and handlers

This bill would amend the Milk Control Law (Act of April 28, 1937, P. L. 417) in many respects and in particular would remove the present requirement that all orders of the Milk Control Commission fixing prices of milk are subject to the approval of the Governor. In my opinion this provision is a most salutary one and should be retained.

During the past two years this Administration has adopted a procedure that has enabled me to know whether a proposed order of the Milk Control Commis-

sion fixing minimum prices is reasonable. Before an order has been signed by me, the Attorney General has held conferences to which producers of milk, consumers of milk and dealers in milk have been invited to discuss the proposed order. A record has been made of all the comments and suggestions made at these conferences. As a result of the conference the Attorney General has made a report to me and that report has been an important guide to me in determining whether or not price orders of the commission should be approved.

Whatever the merits of the other provisions of this bill may be, they are completely overbalanced by the provision that would remove this safeguard from the Milk Control Law. Without this provision the bill would have been approved, and if it is the sense of the Legislature that it wishes to re-pass the other provisions, there is still time in the present session for this to be accomplished.

For this reason the bill is not approved.

ARTHUR H. JAMES.

On the question,

Shall the bill become a law, the objections of His Excellency the Governor to the contrary notwithstanding?

Mr. ACHTERMAN. Mr. Speaker, the measure before us now is possibly best known in this House as the Haberlen Milk Control Bill, which the Governor has seen fit to veto.

I marvel at the Governor. I really do.

I had thought that after he had vented his rage upon the helpless insane of our Commonwealth, after he had balked our efforts to reduce taxes, after he has played politics with the payrolls of Departments under the supervision of Democrats, after he had forced the best man in his cabinet to take a walk, after he had nominated an ex-convict to be a hospital trustee—after all these things, I had thought there was nothing left for him to do but become sensible and try to work out the State's tangled conditions.

But, Mr. Speaker, I have learned a lesson. There is no limit to human stupidity. The Governor has proved that to us by his veto of the Haberlen Milk Control Act.

Here is a measure which the dairy farmers of the State demanded with one voice. This is a measure which met with the hearty approval of legislators of both parties. It is one of the few which House and Senate have been able to agree upon.

It would have wiped out the consignment purchase racket against which the farmers have been bitterly protesting for years. But the Governor throws it back to us with the air and attitude of a petulant child who announced that he won't play any more and is going home.

The Governor whines that his voice has been eliminated from the price fixing sections of the Milk Control Act. If this were his real reason, why did he not ask the obedient Senate to recall the measure from his desk so that it might be amended to suit his fancy instead of vetoing the bill.

What are we to think? The Governor is acting in a childish fashion. This action is of the same stripe as the arrogant and untrue Phillipic he shouted to the General Assembly recently.

I tremble for the Commonwealth for the next two years with such an unbalanced and unreliable leader in power. To what avail are the honest and friendly conferences we are having with Senate leaders on the points of difference between us if we cannot rely upon the Governor to act in the same intelligent manner as his followers in the General Assembly. The Governor's latest act is one of folly

and contemptuous disregard for the interests of a large body of our citizens—the dairy farmer.

I repeat, Mr. Speaker, if this Governor were sincere in the reasons he announced in his message, then he would without hesitancy ask that the bill be recalled and amended instead of taking the method which he did, veto.

MOTION TO OVERRIDE VETO

Mr. ACHTERMAN. Therefore, Mr. Speaker, I move that this House override the veto of the Governor on House Bill No. 124, Printer's No. 843.

On the question,

Will the House agree to the motion?

Mr. ACHTERMAN. In making that motion, Mr. Speaker, I call up the Members on the other side of the House who are interested in the welfare of the farmer, who will refuse to play the small, insignificant politics that the Governor of Pennsylvania is now playing, I am calling upon you to assist the Democratic membership of this House in passing the legislation that has been a crying need of the farmers of this Commonwealth.

Mr. WOODSIDE. Mr. Speaker, it is always said when you don't have any argument for a cause, the best thing to do is to try to divert attention from the issue. The speech of the gentleman from Monroe certainly was a perfect example of that trick of smart lawyers.

The Governor in his message outlined the purpose and the reason for which this bill was vetoed. He stated specifically that he would sign a bill containing the same provisions as this bill if it were passed by this House and this Senate, leaving out the one provision relating to the right of the Governor to sign the milk orders,—taking away rather the right of the Governor to sign the milk orders. That was the provision that was put into the law and was in the law during the Democratic administration. It is a provision which I, as Governor, would certainly be glad to have taken out in order to avoid the responsibility and the difficult task which it would place upon me, but the Governor of this Commonwealth, and I feel rightly so, felt that if it were taken out he would be shirking his duty. He feels that its being placed there has resulted in an improved administration; that as a result of the conferences with the Attorney General, as he has pointed out in his message, the farmers of this Commonwealth have been benefitted and the people of this Commonwealth have benefitted, and that if he should run out on this task, however difficult or disagreeable it might be, he would be running out on the people of the Commonwealth of Pennsylvania. He feels that because it is for the best interests of the people of the Commonwealth to permit that provision to remain in the bill, he wants it in and has asked the Legislature to pass another bill containing this important provision which is of benefit to the farmers and the people of the Commonwealth of Pennsylvania, which he says he will sign, providing of course that one item remains.

It seems to me under those circumstances the proper thing to do is to vote "no" on the motion now before the House.

The gentleman on the other side asks why the Governor did not ask the Senate, as he puts it, to recall this bill. In the first place, may I call attention of the gentleman that the bill could not be recalled by the Senate; it must have the concurrence of the House to recall this

bill. He didn't call your attention to that fact, but it is true.

Therefore, Mr. Speaker, I think that the arguments of the gentleman on the other side are entirely beside the issue, and that the House of Representatives should vote "no" on the matter now before it.

Mr. ACHTERMAN. Mr. Speaker, I am struck by the argument of the gentleman, the minority floor leader of this House for the reason, of course, that he says if he were Governor he certainly would acquiesce in this bill as it was passed. Now, I have never known the gentleman on the other side to shirk his duties. I do not believe he does, although he said if the Governor accepted this bill he would be shirking his duties.

I am quite convinced that the Governor would not be shirking his duties; on the contrary I believe the Governor would be acquiescing in the will of the people of Pennsylvania. May I just refer to the history of this bill? When it finally came before the House for concurrence in the Senate amendments, it passed this House by a vote of two hundred to nothing, indicating this House was in unanimous accord with the bill as it went to the Governor's Office. I say, Mr. Speaker, it comes with poor grace from the Governor's Office, when he had such an easy method of presenting to this House his objections. If his objections were only those mentioned in his message he could with comparative ease have notified the member who introduced the bill on this side of the House what his objections were,—it would not be the first time in this Session that he has done so, but instead he took the other method, the method of vetoing. For what reason? I am uncertain; I have doubts, of course, Mr. Speaker, that the reasons were only those mentioned in his message. On the contrary, I believe there is a deeper underlying reason and I am saying now is the time to pass this measure. I am saying if you meant what you voted on June 9th then you will be in accord with my motion to override the veto. If on the contrary you only paid lip service in the hope of mollifying some of your constituents, then of course you will vote against the motion. But if you are sincere, if you honestly believe the condition of the farmers would be improved by this bill, if you want to help the farmer and if you desire to improve his conditions then you will vote to override the Governor's veto. You should not be mollified or appeased by a statement from the Governor's office that lacks so much in weight, that is so apparently a sham, and which indicates that he desires apparently to scuttle the measure, not by direction but by indirection. You should vote to see that this bill becomes a law of this land regardless of the Governor's veto.

Mr. NAGEL. Mr. Speaker, perhaps there is no one in this body who is more familiar and conversant with the sentiment of the farmers than I am, having served for quite some time as a director of the Keystone Milk Producer's Association. I attended all the monthly meetings in the city of Butler, and there I learned just what these producers of milk wanted. This bill, House Bill No. 124, is a bill that is sponsored by the milk producers of the state of Pennsylvania. They want this bill; they must have something of the kind for their protection, or they are lost financially.

Now, I don't want to criticize our Governor; he is the Governor of this great Commonwealth, but I want to call attention of the Members of this House to the sentiment

and to the criticism that was offered against the Governor, not only by Democrats, but by Republicans who were milk producers of this Keystone Milk Producer's Association, when by his first act after he took office, the Governor signed a bill that reduced the price of milk something like ninety cents per hundred pounds. I want to recall and refresh your memories regarding the fact that seventy-six cents out of this cut was borne by the producers, and only sixteen cents borne by the distributor. That is why the farmers of our state have demanded that the bill be written in its present form, and that is why the farmers of our state lost confidence in the sound judgment of our Governor.

I ask you Members of this House on both sides to vote for this motion and give to the farmers something that will protect them. If we go back to our homes and to our different districts and campaign for reelection, what can we say to these farmers that we have done for them? What can we offer them as their representatives here at Harrisburg in the way of service if we cannot show them that we have done something for the milk producers in the state of Pennsylvania?

Members of this House, do not lose sight of the fact that the Milk Board and the Milk Commission as it was later called was established not for the protection of the dealers, the big milk dealers of this state, not for the big dairy interests of our nation, but it was set up to protect the farmer who was losing his farm, who was year after year increasing the great mortgage that was resting upon his shoulders. Mr. Speaker, this is one of the most important pieces of legislation that has come before this body for consideration, and I think it would be a shame and a disgrace to let it go by default. We shall have no excuse to offer our constituents back home if we are so derelict in our duties as to let this matter fall in its present condition. I ask all the members of the House to support this motion.

Mr. WOODSIDE. Mr. Speaker, the gentleman from Monroe criticized the Governor for exercising his office in vetoing a bill. It is a matter of constitutional right, it is a matter of constitutional duty of the Governor to pass upon bill. It certainly is not any abuse of discretion for him to veto a bill which he feels is not proper in any particular.

Mr. Speaker, again it seems to me the issue has wandered far afield. We have heard the good points of this bill, that is what the Governor said. He said there are good points in this bill, a lot of them. He makes a suggestion both to this House and the Senate, he says, "Pass a good bill; there is plenty of time to do it, containing the good provisions of this bill." There is no argument about it. The only argument is whether this new bill should contain the provisions which are in it now minus the one which is objectionable to the Governor; or whether this one objectionable feature is so important to the people of the Commonwealth of Pennsylvania.

The only question before the House is whether this one single item is so important to the people of Pennsylvania that the Governor's veto should be overridden, and that is the only question before us. I think the majority of the producers and the people of the Commonwealth of Pennsylvania feel that the right of the Governor to pass upon these orders of the Milk Control Board is for the best interests of the producers and has operated for the

best interests of the producers as well as the people generally in the Commonwealth of Pennsylvania. That being the case it seems to me there is no question about what our duty should be, and that is to follow the suggestion of the Governor, to vote "no" on the motion now before us. There is still time to pass a bill containing the good provisions involved in this bill and which would improve the Milk Control Act.

Mr. Speaker, it might be possible to pick up a bill that is already in and that has passed one or the other house and amend it so that it would contain those provisions and put it through, but regardless of that I think we all agree that the Legislature is going to be in session for at least six days and it will be possible to introduce a new bill and get it through before the adjournment of this session of the Legislature.

Mr. ACHTERMAN. Mr. Speaker, in reply to the minority leader, may I say that astride from the unusual method the Governor used in expressing his opposition, I am convinced that the bill as passed is what the people of Pennsylvania want. It is the type of bill the Governor should bend and yield to. Apparently the desire was almost unanimous. Not only did this House finally on June 9th pass this bill by a vote of 200 to 0, no dissenting vote, but in the Senate, Mr. Speaker, on June 3rd, this bill was passed by a vote of 46 to 2. I know of no better method of ascertaining the expressed desire of the people of Pennsylvania than the vote on the bill. I reiterate, Mr. Speaker, unless the membership on the other side is shamming and did not mean what they were saying at that time, then they are going to vote to override the Governor's veto.

Mr. SNYDER. Mr. Speaker, with reference to the remarks made by the gentleman from Beaver, I would like to inform him that most of the changes that have been made in this bill House Bill 124 are administrative changes. So far as its affecting the producers of Pennsylvania is concerned, it does not differ from our present act. I remember in the Session of 1939 the other side of the House voted unanimously against the Milk Bill.

I would like to reiterate for the benefit of the gentleman from Monroe, Mr. Achterman, that according to the Governor's veto message he has stated he will be glad to sign a bill with this one provision eliminated. Now, let us see whether the Democrats are so interested in the producers of Pennsylvania and see whether they will vote for a bill if another one is introduced and this motion is voted down. Then we will see whether the Democrats are interested in the producers of Pennsylvania as the Republicans are. If it is such a wonderful bill and if it is such a good piece of legislation to have had Governor Earle as an ex-officio member of this milk commission in 1937, I am wondering why they want to eliminate the Governor now from being an ex-officio member and signing these orders as they are put out.

Mr. ACHTERMAN. Mr. Speaker, the gentleman who has just spoken is wondering whether we are still interested in the producers of Pennsylvania. May I tell the gentleman in just a few minutes he is going to receive his answer. The Democratic Party is going to vote again for this bill and that is the answer to whether or not we still are interested.

On the question recurring,

Shall the bill become a law, the objections of His Excellency the Governor to the contrary notwithstanding.

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. WOODSIDE, TURNER and WINNER asked for a verification of the roll. The roll was verified and was as follows:

YEAS—115

Achterman,	Finnerty,	Maxwell,	Readinger.
Allmond,	Flynn,	McClanaghan,	Reese, R. E.,
Baker,	French,	McDermott,	Reynolds,
Balthaser,	Gallagher,	McFall,	Rooney,
Baughner,	Gerard,	McIntosh,	Rose, S.,
Bentley,	Goodwin,	McLanahan,	Rosenfeld,
Bentzel,	Gryskewicz,	McLane,	Rush,
Boles,	Haberlen,	Melchiorre,	Sarra,
Boney,	Hamilton,	Mihm,	Schwab,
Bradley,	Harkins,	Modell,	Shaffer,
Breth,	Harmuth,	Monks,	Shaw,
Brunner, P. A.,	Harris,	Mooney,	Skale,
Burris,	Heatherington,	Moran,	Stine,
Chervenak,	Herman,	Moul,	Tarr,
Chudoff,	Hersch,	Munley,	Tate,
Cochran,	Hirsch,	Nagel,	Thompson, E. F.,
Cohen, M. M.,	Jefferson,	Nunemacher,	Vincent,
Cohen, R. E.,	Jones, P. N.,	O'Brien,	Vogt,
Corrigan,	Keenan,	O'Connor,	Voldow,
Croop,	Kenehan,	O'Mullen,	Welse,
Cullen,	Kolankiewicz,	O'Neill,	Weiss, E. B.,
DiGenova,	Komoroski,	Owens,	Weish, M. J.,
Dolon,	Leonard,	Petrosky,	Williams,
D'Ortona,	Lesko,	Pettit,	Woodring,
Duffy,	Levy,	Polaski,	Wright,
Early,	Longo,	Polen,	Yester,
Elliot,	Lovett,	Powers,	Young,
Falkenstein,	Malloy,	Prosen,	Kilroy,
Finestone,	Marks,	Rausch,	Speaker.

NAYS—75

Auker,	Gillan,	Lelsey,	Sollenberger,
Boorse,	Gillette,	Leydic,	Sorg,
Bower,	Gross,	Lichtenwalter,	Stambaugh,
Bretherick,	Gyger,	Lyons,	Stockham,
Brunner, C. H.,	Habbyshaw,	McClester,	Taylor,
Cadwalader,	Haines,	McKinney,	Thompson, R. L.,
Cooper,	Hall,	McMillen,	Trout,
Cordier,	Hare,	McSurdy,	Turner,
Dalrymple,	Helm,	Muir,	Van Alsburch,
Dennison,	Hewitt,	Rank,	Wagner,
Dix,	Huntley,	Reagan,	Watkins,
Elder,	Imbrie,	Reese, D. R.,	Weingartner,
Ely,	James,	Rhea,	Wilkinson,
Fisher,	Jones, G. E.,	Rose, W. E.,	Winner,
Fiss,	Kline,	Royer,	Wood, L. H.,
Fleming,	Knoble,	Sarge,	Wood, N.,
Fletcher,	Krise,	Serrill,	Woodside,
Foor,	Lee, E. A.,	Simons,	Yeakel,
Gates,	Lee, T. H.,	Snyder,	

Less than two-thirds of the Members elected to the House having voting in the affirmative, the veto of the Governor was sustained.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LEVY. Mr. Speaker, I ask unanimous consent of the House to hold a meeting of the Committee on Workmen's Compensation in the Conference Room in the rear of the House immediately.

The SPEAKER. Will the House give its unanimous consent? Is there objection?

QUESTION OF INFORMATION

Mr. WOODSIDE. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Dauphin will state his question of information.

Mr. WOODSIDE. Mr. Speaker, I think from now on during the balance of this session, in announcing commit-

tee meetings to the members, the committee chairman should announce what bills they propose to take up. I, therefore, request the gentleman to please announce that.

The SPEAKER. The Chair is of the opinion that is a very good suggestion.

Mr. LEVY. Mr. Speaker, for the information of the gentleman from Dauphin, the minority floor leader, I might say that the committee is going to consider Senate Bill No. 236, House Bill No. 1481.

The SPEAKER. The Chair hears no objection and consent is granted.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ALLMOND asked and obtained unanimous consent of the House to hold a meeting of the Committee on Elections immediately on House Bill 602.

HOUSE BILL No. 690 TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 690, together with the message from the Senate which was laid on the table June 9, 1941, be taken from the table.

The motion was agreed to.

The Clerk read the message as follows:

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 690, entitled:

An Act to further amend sections 402, 411, 703, 704, 705, 707 and 903 and to repeal section 706 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety, regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth, providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof; owners of vehicles and garage keepers, providing that records are admissible as evidence, imposing upon owners counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees and miscellaneous receipts making an appropriation and providing for refunds," providing for the registration and fixing registration fees of commercial motor vehicles, truck tractors trailers and semi-trailers according to gross weight and certain motor buses and omnibuses with pneumatic tires according to equipment, fixing the maximum gross weight of such vehicles which may be used and operated on the highways and eliminating existing provisions relating to the chassis of such vehicles.

Mr. ACHTERMAN. Mr. Speaker, I move that the House

insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 690

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. ELLWOOD B. WELSH, LOVETT and TURNER.

Ordered, That the Clerk inform the Senate accordingly.

TIME EXTENDED ON BILL

Mr. ACHTERMAN. Mr. Speaker, I move that the time on House Bill No. 1048, Printer's No. 902, entitled:

An Act relating to and regulating the practice of the healing profession of chiropractic, and the licensure and registration of practitioners therein; creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction; defining its powers and duties, and providing penalties.

on page 7 of today's calendar, bills on second reading be extended one day.

The motion was agreed to.

BILL RECOMMITTED

Mr. SKALE. Mr. Speaker, I move that House Bill No. 1622, Printer's No. 1032, entitled:

An Act placing corporations operating cemeteries and burial grounds under the control of the Department of Banking authorizing said Department to make examinations of the affairs of such corporations at the cost of such corporations and in certain cases with the approval of the Department of Justice, to take over and operate the same and imposing certain duties on the court of common pleas.

be recommitted to the Committee on Banking for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1259, entitled:

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employees' retirement system in counties of the fourth class imposing certain charges on counties and fixing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as the "Fourth Class County Retirement Law"

Section 2 Definitions The following words and phrases as used in this act shall be construed to have the following meanings

"Board" the county retirement board created in any county under the provisions of this act

"County employee" any person whether elected or appointed who is employed by the county the county institution district in the county prison or in any other institution maintained by the county from county moneys whose salary or compensation is paid in regular periodic installments but shall not include any person paid on a per diem basis In all cases of doubt the board shall determine whether a person is an employee within the meaning of this act

"Fund" the county employees' retirement fund created in any county under the provisions of this act

"Accumulated deductions" the total of the amounts deducted from the salary of a contributor and paid into the fund and standing to the credit of the members' annuity reserve account together with regular interest thereon

"Contributor" any person who has accumulated deductions in the fund standing to the credit of the members' annuity reserve account

"Beneficiary" any person in receipt of a retirement allowance under this act

"Prior service" all service as a county employee served before the establishment of the retirement system in said county

"Original member" a county employee who was at any time a county employee before the establishment of the retirement system in said county

"New member" a county employee who shall have become a member of the retirement system after the establishment of the retirement system in said county

"Superannuation age" as applied to a contributor means sixty years of age or upwards

"Average salary" the average annual salary received by a contributor for the five years of service immediately preceding retirement or in the event a member has not served five years the total salary received divided by the number of years served

"Regular interest" interest at the rate of three and one-half per centum compounded annually

"County annuity" payments for life or during disability derived from contributions made by the county and the interest earnings thereof

"Members' annuity" payments for life or during disability derived from contributions made by the contributor and the interest earnings thereof

"Retirement allowance" the county annuity plus the members' annuity

Section 3 County Retirement System County Retirement Board The county commissioners are hereby authorized to establish a system for the retirement of county employees in each county of the fourth class which shall if established be administered by a county retirement board which shall consist of the county commissioners the county controller the treasurer the register-of-wills the clerk of the courts and the recorder of deeds The chairman of the board of county commissioners shall be chairman of the board Each member of the board may designate a deputy or clerk to act on said board in his stead Five members of the board shall constitute a quorum

Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board and they will not knowingly violate or permit to be violated any of the provisions of this act Such oath shall be subscribed by the member taking it and shall be filed among the records of the board The members of the board shall not receive any compensation for their services but shall be reimbursed for all expenses necessarily incurred in the performance of their duties

The retirement system created by this act shall be established in each county as of the date fixed by resolution of the county commissioners for such system to become effective

Section 4 Personnel and Expenses The board shall appoint and fix the compensation of an actuary The controller shall act as secretary of the board and shall receive such compensation for his services as may be fixed by the salary board The secretary shall keep a record of all proceedings of the board which shall be open to inspection by the public The expense of the administration of this act exclusive of the payment of retirement allowances shall be paid by the county by appropriations made by the commissioners on the basis of estimates submitted by the board

Section 5 Rules and Regulations Actuarial Data The Board shall from time to time establish such rules and regulations for meetings of the board and for the administration of the fund and the various accounts thereof as may be deemed necessary It shall keep such data as shall be necessary for actuarial valuation purposes The actuary of the

board shall periodically make an actuarial investigation into the mortality and service experience of the contributors to and beneficiaries of the fund and shall adopt for the retirement system one or more mortality tables and certify to the board annually the amount of appropriation to be made to build up and maintain adequate reserves for the payments of the county's share of the retirement allowances provided by this act

Section 6 County Employees' Retirement Fund Where a county retirement system has been established under the provisions of section three hereof there shall be created in each such county of the fourth class a county employees' retirement fund which shall consist of all moneys arising from appropriations made by the county and from contributions made by the members of the county employees' retirement system and all interest earned by the investments or moneys of the fund created by this act. The moneys contributed by the county shall be credited to a county annuity reserve account and those contributed by the members shall be credited to a members' annuity reserve account. The depository shall be selected by the treasurer of the board. Upon the granting of a retirement allowance to any contributor whether as a superannuation retirement allowance an involuntary retirement allowance or a total disability retirement allowance as hereinafter provided the amount of such contributor's accumulated deductions in the members' annuity reserve account shall lose their status as accumulated contributions and shall be transferred to a retired members' reserve account and the actuarial equivalent of the county annuity shall be similarly transferred from the county annuity reserve account to the retired members' reserve account. The interest earnings shall be apportioned to the members' annuity and county annuity and retired members' reserve accounts. The actuary shall determine the present value of the liability on account of all county annuities payable to original members and the percentage of such liability which shall be contributed by the county each year over a period of fifteen years from the time the system is established until the accumulated reserve equals the present value of said liability. All such contributions shall be credited to the county annuity reserve account. The actuary shall also determine the amount which shall be contributed by the county into the fund periodically for credit to the county annuity reserve account on account of service of all new and original members subsequent to the time the retirement system is established.

Each member of the retirement system shall be required to contribute to the fund such per centum of his salary as shall be computed by the actuary to be sufficient with regular interest to procure for him on superannuation retirement one one-hundred twentieth (1-120) of his average salary for each year of service after he becomes a member of the retirement system which contributions shall be paid into the fund through payroll deductions in such manner as the board may require. All contributions by members shall be credited to the members' annuity reserve account.

Section 7 Custody of and Payments from Fund All moneys and securities in the fund created by this act shall be placed in the custody of the county treasurer for safekeeping and all payments from said fund on account of retirement allowances shall be made only on requisition signed by the chairman and secretary of the board.

Section 8 Management and Investment of Fund The members of the board shall be trustees of the fund created by this act and shall have exclusive management of said fund with full power to invest the moneys therein subject to the terms conditions limitations and restrictions imposed by law upon fiduciaries. Subject to like terms conditions limitations and restrictions said trustees shall have power to hold purchase sell assign transfer or dispose of any of the securities and investments in said funds as well as the proceeds of said investments and of the moneys belonging to said fund.

The board shall annually allow regular interest on the mean account for the preceding year to the credit of each of the accounts created in accordance with the pro-

visions of this act the amount so allowed shall be credited to each contributor's account.

Section 9 Membership Each elected officer may and each appointed county employee shall be required to become a member of the retirement system established under the provisions of this act as of the date the same is established or when such county employee first becomes an employee if after such retirement system is established. Those becoming members when the retirement system is originally established shall be known as original members and those entering county employment thereafter as new members. Provided however That if any person who becomes a county employee subsequent to the time the system was established shall at any time theretofore have been a county employee he shall receive credit for the service prior to the time the system was established and be known as an original member.

Section 10 County Guarantee Annual Budgets The regular interest charges payable and the creation and maintenance of the necessary reserves for the payment of the county and members' annuities in accordance with this act are hereby made obligations of the county. The board shall prepare and submit to the county commissioners on or before the first day of November of each year an itemized estimate of the amounts necessary to be appropriated by the county to complete the payment of the obligations of the county during the next fiscal year.

Section 11 Service Allowance In computing the length of service of a contributor for retirement purposes full credit shall be given to each original member for each year of service rendered to the county prior to the time the system became effective. As soon as practicable the board shall issue to each original member a certificate certifying the aggregate length of his prior service unless thereafter modified by the board upon application of the member. The time during which a member is absent from service without pay shall not be counted in computing the service of a contributor unless allowed by the board.

Section 12 Superannuation Retirement Allowance Any contributor who has reached superannuation retirement age may retire for superannuation by filing with the board a written statement duly signed by the contributor setting forth at what time he desires to be retired. Said application shall retire said contributor at the time so specified.

On retirement for superannuation a beneficiary shall receive a retirement allowance which shall consist of (a) a member's annuity which shall be the actuarial equivalent of his accumulated deductions standing to his credit in the member's annuity reserve account and (b) a county annuity equal to one one-hundred-twentieth (1-120) of his average salary multiplied by each year of total service and in addition thereto in the case of an original member one one-hundred-twentieth (1-120) of his average salary multiplied by each year of prior service but the total county annuity shall never exceed fifty per centum of the average salary.

Section 13 Options on Superannuation Retirement At the time of his superannuation retirement any beneficiary may elect to receive his retirement allowance payable throughout life or if such retirement allowance shall amount to less than ten dollars per month he may elect to receive the full amount of the accumulated deductions standing to his individual credit in the member's annuity reserve account or he may in any event elect to receive the actuarial equivalent of his member's and county annuity in a lesser retirement allowance payable throughout life with provisions that

Option One If he die before receiving in payments the present value of his member's annuity and county annuity as it was at the time of his retirement the balance shall be paid to his legal representative or to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement.

Option Two Upon his death his member's annuity and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the retirement board at the

time of his retirement

Option Three Upon his death one-half of his member's and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement

Section 14 Involuntary Retirement Allowances Should a contributor be discontinued from service not voluntarily after having completed ten years of total service but before reaching superannuation retirement age he shall be paid as he may elect as follows (a) The full amount of the accumulated deductions standing to his credit in the members' annuity reserve account or (b) a member's annuity of equivalent actuarial value to his accumulated deductions standing to his credit in the members' annuity reserve account and in addition a county annuity having a value equal to the present value of a county annuity beginning at superannuation retirement age as provided in this act with respect to county annuities for superannuation retirement The same options shall be available to beneficiaries in case of involuntary retirement as provided herein in the case of superannuation retirement

Section 15 Total Disability Retirement Allowance If a contributor after five years of service as a county employee and before reaching superannuation retirement age is disabled while in service and is unable to continue as a county employee as shown by medical examination he shall be paid a retirement allowance consisting of a county annuity of twenty per centum of his average salary and a member's annuity which shall be the actuarial equivalent of his accumulated deductions standing to his credit in the member's annuity reserve account

Section 16 Payment of Balances Where Disability Annuity Dies Should a person receiving a disability retirement allowance die before receiving total member's annuity payments equal to the amount standing to his credit in the member's annuity reserve accounts at the time of retirement there shall be paid to his estate or beneficiary the difference between such credit and the total member's annuity payments received

Section 17 Monthly Payments of Retirement Allowances The retirement allowances granted under the provisions of this act shall be paid in equal monthly installments and shall not be increased decreased revoked or repealed except as otherwise provided in this act

Section 18 Refunds in Case of Withdrawal or Death Where a contributor's service has been terminated voluntarily or involuntarily and he has not become entitled to a retirement allowance under any of the provisions of this act or where a contributor has died prior to receiving a retirement allowance under any of the provisions of this act then the amount standing to the credit of the contributor in the members' annuity reserve account shall be paid to him or his estate or to the person named in any beneficiary certificate filed by the contributor with the board When a contributor or a beneficiary has died and there shall be due to the estate of such contributor or beneficiary a sum less than one hundred dollars and letters testamentary or of administration have not been taken out on the estate of such contributor or beneficiary within six months of death the board may pay the amount due on the claim of the undertaker or to any person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 19 No Simultaneous Payments of Salary and Retirement Allowances Should a person receiving a superannuation retirement allowance or an involuntary retirement allowance or a total disability retirement allowance be re-employed by the county the retirement allowance of such person shall immediately cease Such person shall thereupon be reinstated as a contributor and there shall be restored to his credit as accumulated deductions the actuarial value of his member's annuity computed as of the date of his re-employment.

Section 20 Exemption from Taxation and Execution Etc The right to a member's annuity or a county annuity or to the return of contribution shall be exempt from any State or municipal tax and from levy sale garnishment

attachment or any other process whatsoever and shall be unassignable

Section 21 Fraud Correction of Errors Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the retirement system herein established in any attempt to defraud such system shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars or suffer imprisonment not exceeding one year or both in the discretion of the court

Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or beneficiary receiving more or less than he would have been entitled to had the records been correct then on the discovery of such error the board shall correct such error and shall adjust the payments which shall be made to the contributor or annuitant in such manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Lovett,	Rose, W. E.
Allmond,	French,	Lyons,	Rosenfeld,
Baker,	Gallagher,	Malloy,	Royer,
Balthaser,	Gates,	Marks,	Rush,
Baughner,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Schwab,
Botes,	Goodwin,	McDermott,	Serrill,
Boney,	Gross,	McFall,	Shaffer,
Boorse,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Skale,
Breth,	Haberlen,	McLane,	Snyder,
Pretherick,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burriss,	Hare,	Mihm,	Stine,
Cadwalader,	Harkins,	Modell,	Stockham,
Chervenak,	Harmuth,	Monks,	Tarr,
Chudoff,	Harris,	Mooney,	Tate,
Cochran,	Heatherington,	Moran,	Taylor,
Cohen, M. M.,	Helm,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Muir,	Thompson, R. L.,
Cooper,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Van Allsburg,
Croop,	Huntley,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Vogt,
Dairymple,	James,	O'Mullen,	Voldow,
Dennison,	Jefferson,	O'Neill,	Wagner,
DiGenova,	Jones, G. E.,	Owens,	Watkins,
Dix,	Jones, P. N.,	Petrosky,	Weingartner,
Dolon,	Keenan,	Pettit,	Weiss,
D'Ortona,	Kenehan,	Polaski,	Welsh, E. B.,
Duffy,	Kline,	Polen,	Welsh, M. J.,
Early,	Knoble,	Powers,	Wilkinson,
Elder,	Polankiewicz,	Prosen,	Williams,
Elliot,	Komorowski,	Rank,	Winnier,
Ely,	Krise,	Rausch,	Wood, L. H.,
Falkenstein,	Lee, E. A.,	Readinger,	Wood, N.,
Finestone,	Lee, T. H.,	Reagan,	Woodring,
Finnerty,	Lelsey,	Reese, D. P.,	Woodside,
Fisher,	Leonard,	Reese, R. E.,	Wright,
Fiss,	Lesko,	Reynolds,	Yeakel,
Fleming,	Levy,	Rhea,	Yester,
Fletcher,	Leydic,	Rooney,	Young,
Flynn,	Lichtenwalter,	Rose, S.,	Kilroy, Speaker
	Longo,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1022, entitled:

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employees directing the payment of all moneys collected into the State Treasury and providing penalties" permitting certain dogs to be brought into the Commonwealth under certain conditions for hunting purposes by holders of non-resident hunting licenses without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section thirteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employees directing the payment of all moneys collected into the State Treasury and providing penalties" is hereby amended to read as follows

Section 13 Any person may bring or cause to be brought into the State for a period of thirty days one or more dogs for show trial or breeding purposes without securing such license and any person holding a Pennsylvania non-resident hunting license may without securing a license or licenses therefor bring or cause to be brought into the State one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Pennsylvania by the state of such person's residence Provided however That each dog is equipped with a collar bearing a name plate giving the name and address of the owner

[This section does not apply to dogs used [during the hunting season for hunting game or] temporarily for breeding trial or show nor for the transportation of dogs for [hunting] breeding trial or show purposes the home county license holding good for such purposes throughout the Commonwealth]

Section 2 Section eighteen of said act as amended by the act approved the sixth day of May one thousand nine hundred and twenty-seven (P. L. 833) is hereby further amended to read as follows

Section 18 On and after the fifteenth day of January

one thousand nine hundred and twenty-two it shall be unlawful for any person to own or keep any dog six months old or over unless such dog is licensed by the treasurer of the county in which the dog is kept and unless such dog at all times wears the collar and tag provided for by this act unless such dogs are temporarily brought into the State for breeding hunting trial or show purposes as hereinbefore provided

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Lovett,	Rose, W. E.
Allmond,	French,	Lyons,	Rosenfeld,
Auker,	Gallagher,	Malloy,	Royer,
Baker,	Gates,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarrafi,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Goodwin,	McDermott,	Serrill,
Boles,	Gross,	McFall,	Shaffer,
Boney,	Gryskewicz,	McIntosh,	Shaw,
Boorse,	Gyger,	McKinney,	Simons,
Bower,	Habbyshaw,	McLanahan,	Skale,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Bretherick,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stine
Burris,	Harkins,	Modell,	Stockham,
Ca'walader,	Harmuth,	Monks,	Tarr,
Chervonak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Munley,	Trout,
Cooper,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor,	Vogt,
Cullen,	James,	O'Mullen,	Voldow,
Dalrymple,	Jefferson,	O'Neill,	Wagner,
Dennison,	Jones, G. E.,	Owens,	Watkins,
DiGenova,	Jones, P. N.,	Petrosky,	Weingartner,
Dix,	Keenan,	Pettit,	Welss,
Dolon,	Kenehan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kline,	Polen,	Welsh, M. J.,
Duffy,	Knoble,	Powers,	Wilkinson,
Early,	Kolankiewicz,	Prosen,	Williams,
Elder,	Komorowski,	Rank,	Winner,
Elliott,	Krise,	Rausch,	Wood, L. H.,
Ely,	Lee, E. A.,	Readinger,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reagan,	Woodring,
Finestone,	Lelsey,	Reese, D. P.,	Woodside,
Finnerty,	Leonard,	Reese, R. E.,	Wright,
Fisher,	Lesko,	Reynolds,	Yeakel,
Flas,	Levy,	Rhea,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy, Speaker
Flynn,	Longo,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1820, (Senate Bill No. 1017), entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 186) entitled "An act declaring what offices are incompatible" by specifically exempting persons serving in the armed forces of the United States during any war or state of emergency

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 186) entitled "An act declaring what offices are incompatible" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every person who shall hold any office or appointment of profit or trust under the government of the United States whether [a] [commissioned] an officer [or otherwise] a subordinate officer or agent who is or shall be employed under the legislative executive or judiciary departments of the United States and also every member of congress is hereby declared to be incapable of holding or exercising at the same time the office or appointment of justice of the peace notary public mayor recorder Burgess or alderman of any city corporate town or borough resident physician of the lazaretto constable judge inspector or clerk of election under this Commonwealth Provided however That the provisions hereof shall not apply to any person who shall enlist enroll or be called or drafted into the active military or naval service of the United States or any branch or unit thereof during any war or emergency as hereinafter defined

Section 2 As used in this act the term "war" shall mean the period between the opening and ending of hostilities and shall not include the period after the ending of hostilities notwithstanding the fact that no treaty of peace has been negotiated or concluded and the term "emergency" shall mean the period between a declaration that a state of emergency exists and a declaration that the state of emergency has been terminated

Section 3 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Flynn,	Longo,	Rose, S.,
Allmond,	Foor,	Lovett,	Rose, W. E.,
Auker,	French,	Lyons,	Rosenfeld,
Bakei,	Gallagher,	Malloy,	Royer,
Balthaser,	Gates,	Marks,	Rush,
Baughner,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarraf,
Bentzel,	Gillette,	McClester,	Schwab,
Boles,	Goodwin,	McDermott,	Serrill,
Boney,	Gross,	McFall,	Shaffer,
Boorse,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Skale,
Breth,	Haberlen,	McLane,	Snyder,
Bretherick,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burris,	Hare,	Mihm,	Stine,
Cadwalader,	Harkins,	Modell,	Stockham,
Chervenak,	Harmuth,	Monks,	Tarr,
Chudof,	Harris,	Mooney,	Tate,
Cocharan,	Heatherington,	Moran,	Taylor,
Cohen, M. M.,	Helm,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Muir,	Thompson, R. L.,
Cooper,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Van Alsbury,
Croop,	Huntley,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Voldow,
Dalrymple,	James,	O'Mullen,	Wagner,
Dennison,	Jefferson,	O'Neill,	Watkins,
DiGenova,	Jones, G. E.,	Owens,	Weingartner,
Dix,	Jones, P. N.,	Petrosky,	Welsh,
Doion,	Keenan,	Pettit,	Welsh, E. B.,
D'Ortona,	Kenehan,	Polaski,	Welsh, M. J.,
Duffy,	Kline,	Polen,	Wilkinson,
Dy,	Knoble,	Powers,	Williams,
	Kolankiewicz,	Prosen,	Winner,
	Komorofski,	Rank,	Wood, L. H.,

Ellmott,
Ely,
Falkenstein,
Finestone,
Finnerty,
Fisher,
Fiss,
Fleming,
Fletcher,

Krise,
Lee, E. A.,
Lee, T. H.,
Lelsey,
Leonard,
Lesko,
Levy,
Leydia,
Lichtenwalter,

Rausch,
Readinger,
Reagan,
Reese, D. P.,
Reese, R. E.,
Reynolds,
Rhea,
Rooney,

Wood, N.,
Woodring,
Woodside,
Wright,
Yeakel,
Yester,
Young,
Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 811

Mr. ACHTERMAN. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 811, Printer's No. 1038.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 811, entitled, as amended:

"An act regulating under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act,"

Respectfully submit the following bill as our report:

LOUIS H. FARRELL
JOSEPH ZIESENHEIM
FRANK W. RUTH
(Committee on the part of the Senate)
JULIAN POLASKI
JOHN E. VAN ALLSBURG
JAMES E. LOVETT
(Committee on the part of the
House of Representatives)

An Act to amend section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also re-

pealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization re-distillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as last amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1283) and section three of the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1811) is hereby further amended to read as follows

Section 3 It shall be unlawful for any person without a license from the Commonwealth obtained as hereinafter provided except as exempted by section five hereof to manufacture produce distill develop or use in the process of manufacture denature redistill recover rectify blend reuse hold in bond hold in storage as bailee for hire or transport for hire within this Commonwealth any alcohol or alcoholic liquid except that a person may manufacture wine out of grapes grown in Pennsylvania by fermentation only and with no alcohol or alcoholic product added thereto by way of fortification, and sell the same to a [permit-holding] licensed winery or to Pennsylvania State Stores or to distributors or importing distributors holding special licenses under the "Beverage License Law" and its amendments upon the filing by such manufacturer of a bond in the penal sum of five hundred dollars (\$500) and the securing of a [permit] license at a fee of twenty dollars (\$20) per annum The bond and [permit] license shall be under the same terms and provisions as other bonds and [permits] licenses provided for by this act [Any person may manufacture wine out of grapes grown by him without a permit or without filing a bond for the purpose of selling the same to a permit-holding winery or to Pennsylvania State Stores]

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Longo,	Rose, S.,
Allmond,	French,	Lovett,	Rose, W. E.,
Auker,	Gallagher,	Lyons,	Rosenfeld,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Marks,	Sarge,
Baughner,	Gillan,	Maxwell,	Sarra,
Bentley,	Gillette,	McClanaghan,	Schwab,
Bentzel,	Goodwin,	McClester,	Serrill,
Boles,	Gross,	McDermott,	Shaffer,
Boney,	Gryskewicz,	McFall,	Shaw,
Boorse,	Cyger,	McIntosh,	Simons,
Bower,	Habbyslaw,	McKinney,	Skale,
Bradley,	Haberlen,	McLanahan,	Snyder,
Breth,	Haines,	McLane,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brunner, C. H.,	Hamilton,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hare,	Melchiorre,	

Burris,	Harkins,	Mihm,	Stine,
Cadwalader,	Harmuth,	Modell,	Stockham,
Chervenak,	Harris,	Monks,	Tarr,
Chudoff,	Heatherington,	Mooney,	Tate,
Cochran,	Helm,	Moran,	Taylor,
Cohen, M. M.,	Herman,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Muir,	Thompson, R.,
Cooper,	Hewitt,	Munley,	Trout,
Cordier,	Hirsch,	Nagel,	Turner,
Corrigan,	Huntley,	Nunemacher,	Van Allsburg,
Croop,	Imbrie,	O'Brien,	Vincent,
Cullen,	James,	O'Connor,	Voldow,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, G. E.,	O'Neill,	Watkins,
DiGenova,	Jones, P. N.,	Owens,	Weingartner,
Dix,	Keenan,	Petrosky,	Weiss,
Dolon,	Kenehan,	Pettit,	Welsh, E. B.,
D'Ortona,	Kilne,	Polaski,	Welsh, M. J.,
Duffy,	Knoble,	Polen,	Wilkinson,
Early,	Kolankiewicz,	Powers,	Williams,
Elder,	Komorowski,	Prosen,	Winnor,
Elliott,	Krise,	Rank,	Wood, L. H.,
Ely,	Lee, E. A.,	Rausch,	Wood, N.,
Falkenstein,	Lee, T. H.,	Readinger,	Woodring,
Finestone,	Lelsey,	Reagan,	Woodside,
Finnerty,	Leonard,	Reese, D. P.,	Wright,
Fisher,	Lesko,	Reese, R. E.,	Yeakel,
Fiss,	Levy,	Reynolds,	Yester,
Fleming,	Leydic,	Rhea,	Young,
Fletcher,	Lichtenwalter,	Rooney,	Kilroy, Speaker
Flynn,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS ON THIRD READING MADE SPECIAL ORDER

Mr. READINGER. Mr. Speaker, I move that all House Bills on Third Reading in their numerical order be made a special order of business immediately.

BILLS ON THIRD READING BILLS PASSED OVER

There being no objection House Bill No. 1002, Printer's No. 341, House Bill No. 990, Printer's No. 275, House Bill No. 566, Printer's No. 898, House Bill No. 1638, Printer's No. 816, and House Bill No. 1640, Printer's No. 818, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1639, entitled:

An Act to further amend the title and the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" by making the schedules of compensation compulsory upon all employers providing that the State Workmen's Insurance Fund shall be the sole agency in which the payment of compensation may be insured providing for the termination of existing workmen's compensation insurance contracts issued by other agencies eliminating provisions relating to self-insurance and repealing certain sections and subsections.

On the question,

Will the House agree to the bill on third reading?

Mr. ACHTERMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, lines 10 to 15 of title, by striking out the following: "Providing that" in line 10, and all of lines 11 to 15, both inclusive.

Amend title, page 2, lines 1 and 2 of title, by striking out both of said lines.

Amend bill, page 2, by inserting between lines 18 and 19, the following: "Section 2. The article heading of article two of said act, as last reenacted and amended by the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 520), is hereby further amended to read as follows:

ARTICLE II

DAMAGES BY ACTION AT LAW ABOLISHED

Section 3. Sections two hundred and one, two hundred and two, and two hundred and three of said act, as last reenacted and amended by the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 520), are hereby repealed.

Amend Sec. 2, page 2, line 19, by striking out the figure "2" and inserting in lieu thereof: "4".

Amend Sec. 2, page 2, lines 19 to 21, by striking out the following: "subsection (a) of section three hundred one and subsection (a) of section three hundred two".

Amend Sec. 2, page 2, line 24, by striking out the word "are" and inserting in lieu thereof: "is".

Amend bill, page 3, by inserting between lines 12 and 13, the following:

Section 5. The article heading of article three, subsection (a) of section three hundred and one, and subsection (a) of section three hundred and two of said act, as last reenacted and amended by the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 520), are hereby further amended to read as follows:

ARTICLE III

[Elective] Compulsory Compensation

Amend Sec. 3, page 5, line 15, by striking out the figure "3" and inserting in lieu thereof: "6".

Amend Sec. 4, page 5, lines 21 to 25, both inclusive, by striking out all of said lines.

Amend Sec. 4 (Sec. 305), page 5, lines 26 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 4 (Sec. 305), page 6, lines 1 to 29, both inclusive, by striking out all of said lines.

Amend Sec. 4 (Sec. 305), page 7, lines 1 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 4 (Sec. 305), page 8, lines 1 to 7, both inclusive, by striking out all of said lines, and inserting in lieu thereof:

Section 7. Section five hundred and two of said act, as last reenacted and amended by the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 520), is hereby further amended to read as follows:

Section 502. If any provision of this act shall be held by any court to be unconstitutional, such judgment shall not affect any other section or provision of this act. Except that articles two and three are hereby declared to be inseparable and as one legislative thought, and if either article be declared by such court void or inoperative in an essential part, so that the whole of such article must fall, the other article shall fall with it and not stand alone.

Amend Sec. 5, page 8, line 8, by striking out the figure "5" and inserting in lieu thereof: "8".

Amend Sec. 6, page 8, line 10, by striking out the figure "6" and inserting in lieu thereof: "9".

The SPEAKER. Will the House give unanimous con-

sent to the offering of amendments at this time? Is there objection, The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1365, as follows:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended authorizing the Secretary of Revenue to establish a system of permanent registration of vehicles and further regulating the operation of vehicles and the suspension of registrations and operating privileges giving the Pennsylvania Turnpike Commission power to regulate traffic on turnpikes extending the time limit for cities of the second class A to make certain changes in traffic signals extending the liability of political subdivisions to include negligent operation of their vehicles drawn by animal power amplifying and changing provisions of said act relating to lighting signal and warning devices redefining the term dealer further regulating dealers in junked vehicles permits for oversize and overweight vehicles use of school buses registration plates and cards maximum size of vehicles and medical examinations by physicians providing for payment of certain fees by counties limiting and providing new exemptions from the various provisions of said act giving additional authority to peace officers and department employees in the matter of investigations further regulating prosecutions giving certain powers to local authorities for the regulation of traffic and the establishment of traffic courts changing and fixing additional fees changing and imposing new penalties giving the secretary additional powers and duties imposing additional duties on keepers and employers of garages and repair shops providing refunds to certain persons entering Federal services and making an appropriation The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encum-

branches and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Approved" Having been favorably passed upon by the secretary as suitable for the purpose designed

"Auxiliary Driving Lamp" A complete road illuminating device [in addition to or supplementing the head lamps] located upon the front of a motor vehicle and intended for use in pairs instead of the head lamps or singly in conjunction with the head lamps

"Bicycle with Motor Attached" Every vehicle except a motorcycle as herein defined which is self-propelled by an engine not exceeding four (4) horsepower

"Business District" The territory contiguous to a highway when fifty (50) per cent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business

"Chassis" The chassis of a motor vehicle to be propelled by an internal combustion or steam engine shall consist of an assembly of all essential parts with protective housings ready for operation on the highway including as minimum equipment a set of tires attached to wheels driver's seat including cab front wheel fenders running board or mounting step tool compartment priming coat on all parts to be painted pair of front lamps and one rear lamp license brackets jack and a set of tools commonly used for making adjustments and minor repairs on the highway water oil and fuel

"Clearance Lamp" A lamp or lamps arranged to mark the extreme sides of the motor vehicle and so arranged to show white green or amber to the front and red to the rear

"Commercial Motorcycle" Every motorcycle designed to travel on three wheels in contact with the ground and designed for carrying freight merchandise implements or articles of any kind or service in connection with calling for and delivering automobiles to patrons

"Commercial Motor Vehicle" Any motor vehicle designed for carrying freight or merchandise Provided however That a motor vehicle originally designed for passenger transportation to which has been added a removable box body without materially altering said motor vehicle when owned and used by a farmer shall not be deemed a "commercial motor vehicle" for the purpose of this act And further provided That any motor vehicle of the bus type operated under contract with or owned by any school district of this Commonwealth for the transportation of school children shall be deemed a "commercial motor vehicle"

"Crosswalk" That portion of a highway ordinarily included within the prolongation of curb and property lines at intersections or any portion of a highway clearly indicated for pedestrian crossing by lines or other markings on the surface

"Cushion Rubber Tire" A tire molded on a steel base having a longitudinal cavity running circumferentially at the center line of the tire extending from its base with a height of no less than one half the overall standing

height of the time such tires when new being no less than four and one-half (4½) inches high over all including steel base

"Dealer" [Any person firm corporation or association engaged in the purchase and sale of motor vehicles trailers and semi-trailers and who has an established place of business or any person regularly engaged in the business of transporting new vehicles on their own wheels and who has an established place of business] (1) A person actively and principally engaged in and devoting a substantial portion of his time to the business of buying selling or exchanging new motor vehicles trailers or semi-trailers on commission or otherwise who maintains a salesroom or garage devoted exclusively to the motor vehicle business and who holds a contract in writing with a manufacturer giving such person selling rights for new motor vehicles trailer or semi-trailers or with a jobber of such vehicles who as such jobber holds a manufacturer's franchise or contract giving selling rights on new motor vehicles trailers or semi-trailers in this Commonwealth or (2) a person actively and principally engaged in and devoting a substantial portion of his time to the business of buying selling or exchanging used motor vehicles trailers or semi-trailers and who maintains a salesroom garage or used car lot actually occupied by such person either continuously or at regular intervals and upon which or adjacent thereto is a building owned or rented by such person where his books and records are kept and which is devoted exclusively to the motor vehicle business in which the repair of motor vehicles is subordinate or incidental to the business of buying selling or exchanging the same or (3) any person regularly engaged in the business of transporting new motor vehicles trailers or semi-trailers on their own wheels and who has an established place of business or (4) a person who is duly authorized to do business in this Commonwealth and is actively engaged in the business of financing sales or making loans on security of motor vehicles Provided however That a person entitled to dealer registration under clause (3) hereof may only use dealer's registration plates for the purpose of transporting new motor vehicles trailers or semi-trailers on their own wheels and a person entitled to dealer registration under clause (4) hereof may only use dealer's registration plates for the purpose of moving or operating a motor vehicle trailer or semi-trailer which he is repossessing or which after repossession he is moving for the purpose of repairing or having repaired demonstrating for sale or which he is moving for delivery to a bona fide purchaser in the regular course of his business

"Department" The Department of Revenue of this Commonwealth

"Emergency Brake" The means of applying braking effort to at least two (2) wheels on a motor vehicle normally operated by the operator's hand Provided however That where there are two (2) brakes both designed to be operated by the foot the one (1) equipped with a ratchet or other device for holding the brake in the applied position shall be considered the "Emergency Brake" and the requirements shall be the same as herein set forth

"Essential Parts" All integral parts and body parts the removal alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle

"Explosives" Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions quantities or packing that any ignition by fire by friction by concussion by percussion or by detonator or any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb

"Flammable Liquid" Any liquid which has a flash point of seventy degree Fahrenheit or less as determined by a tabliabue or equivalent closed cup test device

"Fog or Adverse Weather Lamps" A complete road illuminating device mounted in pairs upon the front of

a motor vehicle and intended for use only during adverse weather conditions

"Foreign Vehicles" Every motor vehicle trailer or semi-trailer which shall be brought into this Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this Commonwealth

"Gross Weight" The combined weight of the vehicle or combination of vehicles and its or their load or loads exclusive of the operator

"Headlamp" A complete road illuminating device located upon the front of a motor vehicle the rays from which are projected forward other than a sidelight clearance lamp auxiliary driving lamp fog or adverse weather lamp searchlight or spot lamp

"Highway" Every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons colleges universities or other institutions

"Intersection" The area embraced within the prolongation of the lateral curb lines or if none then the lateral boundary lines of two or more highways which join one another at an angle whether or not one such highway crosses the other

"Jobber" Any person firm corporation or association engaged in the purchase and sale of new motor vehicles trailers or semi-trailers and their sale directly to dealers

"Learner's Permit" A permit issued to any person to learn to operate a motor vehicle or tractor

"License Plate Lamp" A lamp designed to illuminate the rear registration plate with a white light without directing the white light to the rear It may be separate from or in combination with the rear lamp

"Local Authorities" Every county municipal and other local board or body having authority to adopt local police regulations under the Constitution and laws of this Commonwealth

"Magistrate" A mayor burgess magistrate alderman justice of the peace or other officer having the powers of a committing magistrate

"Manufacturer" Every person engaged in the business of manufacturing motor vehicles trailers semi-trailers motors or bodies of such vehicles

"Mechanical Signal" A movable device operated mechanically or by the driver and so constructed and arranged as to give a cautionary or direction signal to the front and rear

"Metal Tires" All tires the surface of which in contact with the highway is wholly or partly metal or other hard non-resilient material

"Motor Bus" Shall include all motor vehicles operated for the carriage of passengers for hire by individuals associations copartnerships or corporations required under the laws of this Commonwealth to obtain certificate of public convenience from the Public Utility Commission of the Commonwealth of Pennsylvania before engaging in the carriage of passengers for hire or by individuals associations copartnerships or corporations who or which were engaged in the business of carrying passengers for hire as common carriers prior to the first day of January one thousand nine hundred and fourteen

"Motorcycle" Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground except any such vehicle as may be included within the term "tractor"

"Motor Omnibus" Shall include all motor vehicles operated for the carriage of passengers for hire by individuals associations copartnerships or corporations who or which were not engaged in the carriage of passengers for hire as common carriers prior to the first day of January one thousand nine hundred and fourteen and who or which are not required under the laws of this Commonwealth to obtain from the Public Utility Commission of the Commonwealth of Pennsylvania certificate of public convenience for the carriage of passengers for hire or motor vehicle of the bus type not operated for the carriage of passengers for hire except as herein provided This definition shall not include or apply to any motor vehicle operated under contract with any school district

of this Commonwealth for the transportation of school children such motor vehicles to come within the definitions of commercial motor vehicles or motor vehicles

"Motor Vehicles" Every vehicle as herein defined which is self-propelled except tractors power shovels road rollers agricultural machinery and vehicles which move upon or are guided by a track or travel through the air

"New Motor Vehicle" Every motor vehicle which is not defined as a reconstructed rebuilt or used motor vehicle

"Nonresident" Any person not a resident of this Commonwealth

"Obscured Registration Plate" Every registration plate the characters on which are not legible in daylight at a distance of fifty (50) feet from the front or rear of the motor vehicle on the line of the axis of the vehicle on an approximately level stretch of highway

"Operator" Every person who is in actual physical control of a motor vehicle or tractor upon a highway

"Operator's License" The license issued to any person to operate a motor vehicle or tractor

"Overtake" A vehicle or combination of vehicles shall be deemed to overtake another vehicle or combination of vehicles when all of the vehicle and its load or all of the combination of vehicles and their loads move so that any part of the vehicle or its load or any part of the combination of vehicles or their loads is opposite to or alongside of any other moving vehicle or its load or combination of vehicles or their loads being operated in the same direction as the overtaking vehicle or combination of vehicles

"Owner" A person or persons holding the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof or other like agreement with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee then such conditional vendee or lessee shall be deemed the owner for the purpose of this act

"Parking" The standing of a vehicle except police or fire department vehicle or ambulance whether occupied or not upon a highway otherwise than temporarily for the purpose and while actually engaged in loading or unloading or in obedience to traffic regulations or traffic signs or signals

"Parking Lamp or Clearance Lamp" A lamp or lamps so arranged to show white green or amber to the front and red to the rear

"Pass" A vehicle or combination of vehicles shall be deemed to pass another vehicle or combination of vehicles when all of the vehicle and its load or all of the combination of vehicles and their loads moves by or in advance of any moving vehicle and its load or combination of vehicles and their loads being operated in the same direction as the passing vehicle or combination of vehicles

"Passenger Seat" Each sixteen (16) inches of seating capacity in any motor omnibus or motor bus

"Peace Officer" A sheriff deputy sheriff constable member of the Pennsylvania Motor Police or other police officer vested with authority of arrest

"Pedestrian" Any person afoot

"Person" Every natural person firm copartnership association or corporation

"Pneumatic Tires" All tires inflated with compressed air

"Private Road or Driveway" Every road or drive not open to the use of the public for purposes of vehicular travel

"Railway Grade Crossing" Any set of tracks or rails of any steam gasoline or electric railway line which intersect or crosses any highway at the same level or grade of such highway except electric railway lines within cities boroughs or incorporated towns

"Rear Lamp" A lamp located upon the rear of a motor vehicle trailer or semi-trailer so arranged as to show red to the rear and which may or may not illuminate the rear registration plate with a white light

"Rebuilt Motor Vehicle" Every motor vehicle which shall have been assembled by using new parts and used

parts derived from other motor vehicles of the same make and rebuilt by the manufacturer thereof

"Reconstructed Motor Vehicle" Any motor vehicle which shall have been assembled or constructed largely by means of essential parts new or used derived from other motor vehicles or makes of motor vehicles of various names models and types or which if originally otherwise constructed shall have been materially altered by the removal of essential parts or by the addition or substitution of essential parts new or used derived from other motor vehicles or makes of motor vehicles

"Registration Card" Includes temporary registration card as well as other registration cards

"Registration Plates" Includes temporary registration plates as well as other registration plates

"Residence District" The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred (300) feet or more is closely built up with dwellings or by dwellings and buildings in use for business

"Resident" Any person who has a regular place of abode or business in the Commonwealth for a period of more than thirty (30) consecutive days in the year except as otherwise provided in sections four hundred nine and six hundred three

"Right of Way" The privilege of the immediate use of the highway

"Safety Zone" The area of space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone

"Secretary" The Secretary of Revenue of this Commonwealth

"Semi-trailer" Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle

"Service Brake" The means of applying braking effort to at least two (2) wheels on a motor vehicle normally operated by the operator's foot

"Sidelights" Any lights upon a motor vehicle other than headlamp [or] auxiliary driving lamp [or] fog or adverse weather lamps signal lamp clearance lamp searchlight or spot lamp the rays of which project forward

"Sign" Any device mark marker board plate or other contrivance designed for the purpose of guiding traffic or informing of a traffic regulation

"Signal Lamp" A lamp located upon the side or rear of a motor vehicle so arranged to show red green or yellow to the rear as a cautionary signal

"Solid Rubber Tire" Every tire made of rubber other than a pneumatic tire or a cushion rubber tire

"Specially Constructed Vehicle" Any vehicle which shall not have been originally constructed under a distinctive name make model or type by a generally recognized manufacturer of vehicles

"Spot Lamp" An auxiliary illuminating device either fixed or movable intended to project a powerful concentrated beam of light

"State" A State territory organized or unorganized or district of the United States of America

"Street Car" Every device traveling exclusively upon rails when upon or crossing a highway other than railroad cars or trains

"Tractor" Every vehicle of the tractor type as defined in the Tractor Code

"Traffic" Pedestrians vehicles and street cars either singly or together while using any highway for purposes of travel

"Traffic Signal" Any device using words or colored lights or a combination thereof either manually or electrically controlled by which traffic is alternately directed to stop and go

"Trailer" Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle Provided That wagons or agricultural machinery drawn by either tractor truck or any other motor vehicle for agricultural purposes only shall not be included within such definition

and no fee shall be required to operate such vehicles on any public highway lying between any farm owned operated or leased by the person operating such vehicle

"Truck Tractor" Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn

"Used Motor Vehicles" Every motor vehicle which has been sold bargained exchanged given away or title transferred from the person who first acquired it from the manufacturer or jobber or dealer and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof

"Vehicle" Every device in upon or by which any person or property is or may be transported or drawn upon a public highway excepting tractors agricultural machinery devices moved by human power or used exclusively upon stationary rails or tracks Provided That for the purpose of Article X of this act a bicycle or a ridden animal or a tractor or any other device moving upon wheels on a public highway except a device moving upon wheels upon stationary rails or tracks on a public highway shall be deemed a vehicle

Section 2 Section two hundred and ten of said act as last amended by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended by adding thereto after subsection (j) a new subsection and amending the penalty clause to read as follows

Section 210 Destruction and Cancellation of Records of Certificates of Title Notice of Junking Motor Vehicles Records of Dealers in Junked Motor Vehicles

* * * *

(k) Every dealer in junked motor vehicles or other person engaged in the business of purchasing motor vehicles for the purpose of destruction or dismantling shall keep and maintain accurate records for a period of three years of the date of purchasing or acquiring any motor vehicle the name and address of the person from whom such motor vehicle was purchased or acquired the motor number the manufacturer's serial number the certificate of title number the date the motor vehicle was dismantled whether owner applied for and purchaser received a certificate of junk and the number thereof or whether certificate of title was assigned to a dealer and in such case the disposition thereof and if the motor vehicle was sold the name and address of the purchaser Every such dealer in junked motor vehicles shall allow full and free access to such records during regular business hours to duly authorized representatives of the department and to peace officers

Penalty Any person violating any of the provisions under subsections (b) (c) [or] (h) or (k) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 3 Subsection (d) and the penalty clause of section four hundred and nine and section four hundred and eleven of said act as amended by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) are hereby further amended to read as follows:

Section 409 Registration by Nonresidents Exemption of Nonresidents and Agreements with other States

* * *

(d) Where provisions relating to the equipment size weight or construction of vehicles engaging in interstate commerce are included within or prohibited by any Federal law or regulation now existing or hereafter to be enacted or adopted the secretary shall have the authority to exempt from the operation of any or all of the provisions of articles eight and nine of this act any or all classifications of vehicles registered in this Commonwealth with such restrictions conditions and privileges or lack of them as he may deem advisable Provided however That such exemption shall be effective and applicable to a vehicle of any classification exempted as

aforesaid only so long as such Federal laws and regulations shall be complied with and such exemption shall cease to exist as to such vehicle upon any violation thereof and the operator and owner of such vehicle shall thereupon and until such time thereafter as the vehicle is put in compliance with the Federal law and regulations be subject to all provisions of articles eight and nine of this act Vehicles so exempted shall be subject to the laws or regulations enacted or adopted by the Federal Government relating to the equipment size weight or construction of such vehicles to the same extent and with the same force and effect as if such laws or regulations were expressly set forth in this act Prosecutions and arrests for violations of such laws or regulations shall be brought or made subject to the conditions herein described with the same limitations as is now or may hereafter be provided for other prosecutions and arrests made under this act

Penalty Any person owning or operating a vehicle not registered in this Commonwealth in violation [of the terms of any agreement made under] of any of the provisions of this section [or in the absence of any agreement] shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days or suffer such other penalty as the secretary may prescribe under subsection (e) of this section

Section 411 Transfer of Registration Temporary Registration Cards

(a) Upon transfer of ownership or the destruction of any motor vehicle trailer or semi-trailer the registration shall expire

(b) When transfer of registration plates is made from one motor vehicle to another owned by the same person application shall be made immediately to the department upon a form furnished by the department accompanied by the transfer fee provided in this act when the motor vehicle trailer or semi-trailer is of equal or less horsepower or classification than that originally registered or accompanied by the transfer fee provided in this act and the difference between the fee originally paid and that due if the motor vehicle trailer or semi-trailer to which the registration plates are transferred be properly registered in a higher class Such application shall also be accompanied by the owner's registration card if and when the secretary exercises his discretionary power to allow the use of temporary registration cards as herein-after provided

(c) The application shall contain the full name and the actual or bona fide address of the owner together with the name manufacturer's serial number engine number the character of the motive power and the horsepower or seating capacity and in the case of a commercial motor vehicle the gross weight of the chassis as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semi-trailers the combined weight of the chassis and body and also such description of the motor vehicle trailer or semi-trailer including lamps and other equipment as the secretary shall require The application shall be signed by the owner if a natural person and in the cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by the said corporation copartnership or association to sign the same

(d) When a transfer of registration is made the owner shall be given a transfer registration card and new registration number if transfer is made to another classification [Immediately upon receipt of such transfer registration card the owner shall return to the department the original registration card unless such card has been lost or destroyed]

(e) When a transfer of registration is made after a vehicle has been registered for the succeeding year and the transfer application has been received and com-

pleted by the department prior to [January] April first of such succeeding year the transfer fee provided in this act shall not be required

(f) The secretary shall have the discretionary power to allow the use of temporary registration cards pending the receipt of an annual registration card from the department which shall be valid for all purposes of this act but which shall be void upon the receipt of an annual registration card Temporary registration cards in the discretion of the secretary may be delivered to any notary public magistrate or dealer who shall have the authority to issue such temporary registration cards to any person upon the transfer of ownership of a motor vehicle Provided however That the secretary shall have the authority to suspend the privilege of any such notary public magistrate or dealer to issue temporary registration cards and upon suspension of such privilege the secretary shall require the surrender of any temporary registration cards that such person shall have in his possession upon a finding by the secretary that such person has issued a temporary registration card containing a misstatement of fact or has issued a card in violation of any of the regulations promulgated by the secretary under authority of this subsection Temporary registration cards shall set forth the name and address of the owner of the vehicle the registration number the make engine and manufacturer's number of the vehicle from which transfer of registration is desired and the make engine number and manufacturer's number of the vehicle that has been purchased the date of issuance of such temporary registration card and any other information that the secretary may require The secretary shall have the power to make such rules and regulations not inconsistent herewith as he shall deem necessary for the purpose of carrying out the provisions of this subsection

(g) It shall be unlawful for any notary public magistrate or dealer knowingly to issue a temporary registration card to any person containing any misstatement of fact

(h) It shall be unlawful for any person making an application for transfer of registration or for any person authorized to present such application to fail to forward or cause to be forwarded to the department such application within forty-eight (48) hours after the transfer of registration plates is made from one motor vehicle to another owned by the same person

Penalty Any person violating any of the provisions of subsections (b) [or] (d) (f) (g) or (h) of this section or any rule or regulation made by the secretary in accordance with subsection (f) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 4 Article four of said act is hereby amended by adding thereto after section four hundred fifteen a new section to read as follows:

Section 416 Permanent Registration The secretary may in his discretion establish a system of permanent registration of vehicles in this Commonwealth and for that purpose the secretary shall have the power and authority to promulgate such rules and regulations not inconsistent herewith as he may deem necessary

Section 5 Section five hundred and seven of said act is hereby amended to read as follows:

Section 507 Temporary Use of Registration Plates Pending Transfer After the transfer of registration plate or plates from a motor vehicle trailer or semi-trailer to another motor vehicle trailer or semi-trailer owned by the same owner the owner or operator shall not for a period of twenty (20) days be subject to a fine for the operation of the latter motor vehicle trailer or semi-trailer without the proper transfer registration card for the registration plate or plates displayed provided he shall have made application to the department as required in this act within forty-eight (48) hours after said transfer of registration plate or plates for transfer of the registration and provided he shall upon prosecution make an affidavit or testify under oath to that effect

Section 6 Said act is hereby amended by adding thereto after section five hundred and ten a new section to read as follows:

Section 511 Temporary Registration Plates

(a) The secretary in his discretion and subject to the limitations and conditions hereinafter set forth may deliver temporary registration plates to dealers when the application therefor is accompanied by the fee prescribed in this act. Such application shall be made upon a form prescribed and furnished by the department. Dealers subject to the limitations and conditions hereinafter set forth may issue such temporary registration plates to owners of vehicles provided that such owners shall comply with the pertinent provisions of this section.

(d) Every dealer who has made application for temporary registration plates shall maintain in permanent form a record of all temporary registration plates delivered to him and shall also maintain in permanent form a record of all temporary registration plates issued by him and in addition thereto shall maintain in permanent form a record of any other information pertaining to the receipt or the issuance of temporary registration plates that the secretary may require. Each record shall be kept for a period of at least three years from the date of entry of such record. Every dealer shall allow full and free access to such records during regular business hours to duly authorized representatives of the department and to peace officers.

(c) Every person who issues temporary registration plates shall on the day that he issued such plates send to the department a copy of the temporary registration plate application properly executed by such dealer and the owner.

(a) A person shall not issue, assign, transfer or deliver temporary registration plates to any one other than the bona fide purchaser or owner of the vehicle to be registered nor shall a person issue temporary registration plates unless previous to or at the same time that the dealer sends to the department a copy of the executed temporary registration plate application the owner has sent or sends a bona fide application for annual registration nor shall a person issue temporary registration plates to any one possessed of annual registration plates for a vehicle that has been sold or exchanged nor shall a person who has been convicted of a violation of section six hundred and twenty (i) of this act issue temporary registration plates to any person nor make application for or receive any temporary registration plates for the purpose of issuance to an owner nor shall a person who has been convicted of three or more violations of the provisions of this section make application for or issue any temporary registration plates nor shall a dealer lend to any one or use on any vehicle that he may own temporary registration plates. It shall be unlawful for any person to issue any temporary registration plate or plates containing any misstatement of fact or knowingly to insert any false information upon the face thereof.

(e) Every person who issues temporary plates shall affix or insert clearly and indelibly on the face of each temporary registration plate the date of issuance and expiration and the make and serial number of the vehicle for which issued.

(f) Every person who makes application for temporary registration plates shall execute the temporary registration plate application and shall return such application to the dealer from whom the vehicle to be registered has been or will be purchased.

(g) Every person who makes application for temporary registration plates shall execute and send an application for annual registration plates to the department previous to or at the same time that the dealer sends to the department a copy of the executed temporary registration certificate but in no event shall such application for annual registration plates be made later than the day on which the temporary registration plates are issued to such owner.

(h) Every person to whom temporary registration plates have been issued shall permanently destroy such temporary registration plates immediately upon receiving the annual registration plates from the department. Provided That if the annual registration plates are not re-

ceived within twenty (20) days of the issuance of the temporary registration plates the owner shall notwithstanding immediately upon the expiration of such twenty (20) day period permanently destroy the temporary registration plates.

(i) Temporary registration plates shall expire and become void upon the receipt of the annual registration plates from the department or upon the recession of a contract to purchase a motor vehicle or upon the expiration of twenty (20) days from the date of issuance depending upon whichever event shall first occur. No refund or credit of fees paid by dealers to the department for temporary registration plates shall be allowed except in the event that the secretary discontinues the issuance of temporary registration plates. Dealers returning temporary registration plates to the department may petition for refund or a credit thereof.

(j) The secretary shall have the power to make such rules and regulations not inconsistent herewith as he shall deem necessary for the purpose of carrying out the provisions of this section.

Penalty. Any person violating any of the provisions of subsections (b) (c) or (e) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution for the first offense fifty (\$50) dollars and costs of prosecution for any subsequent offense and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days and upon conviction of a third offense no temporary registration plates shall thereafter be delivered to such person for the purpose of issuing such plates to an owner nor shall such person thereafter issue any temporary registration plates. Any person violating any of the provisions of subsections (f) (g) or (h) of this section or any rule or regulation made by the secretary as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution for the first offense and twenty-five (\$25) dollars and costs of prosecution for any subsequent offense and in default of the payment thereof shall undergo imprisonment for not more than five (5) days.

Section 7 Said act is hereby amended by adding thereto after section six hundred seventeen a new section to read as follows:

Section 617.1 Limited Operator's Licenses Should Be Issued Under Certain Circumstances. Notwithstanding any other provisions of this or any other law to the contrary any person whose operator's license has been revoked or suspended for reasons other than mental or physical infirmities or disabilities and who is required to operate a commercial motor vehicle motor bus motor omnibus or motor vehicle as a condition of or in connection with such operator's employment shall be issued an operator's license conferring the limited right to operate said commercial vehicle motor bus motor omnibus or motor vehicle as an operator in the course of such employment only.

Any person having been issued a limited operator's license pursuant to the authority of this section who shall operate any vehicle contrary to the limitation thereof shall be subject to the penalties provided by this act for operating a motor vehicle without an operator's license.

Any operator's license issued under the authority of this section shall be distinctly marked to show its limited use and the holder thereof shall be subject to all the provisions of this act relating to operator's licenses including penalties.

Section 8 Section six hundred and nineteen of said act as last amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (P. L. 2329) is hereby further amended to read as follows:

Section 619 Counties and Municipalities Liable for Negligence of their Employees. Every county city borough incorporated town or township within this Commonwealth employing any person shall be jointly and severally liable with such person for any damages caused by the negligence of such person while operating a motor vehicle or fire department equipment or any vehicle.

drawn by animal power upon a highway in the course of their employment and every city borough incorporated town and township shall also be jointly and severally liable with any member of a volunteer fire company of any such city borough incorporated town or township for any damages caused by the negligence of such member while operating a motor vehicle or fire department equipment used by or belonging to such volunteer fire company while going to attending or returning from a fire or while engaged in any other proper use of such motor vehicle or fire department equipment for such volunteer fire company

Section 9 Section six hundred and twenty of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (P. L. 2329) and as amended in part by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows:

Section 620 Violation of License Provisions It shall be unlawful for any person to commit any of the following acts

(a) To display or cause or permit to be displayed or to have in possession any operator's license or learner's permit knowing the same to be fictitious or to have been cancelled revoked suspended or altered

(b) To lend to or knowingly permit the use of by one not entitled thereto any operator's license or learner's permit issued to the person so lending or permitting use thereof

(c) To display or to represent as one's own any operator's license or learner's permit not issued to the person so displaying the same

(d) To fail or refuse to surrender to the department upon demand any operator's license learner's permit registration card registration plates certificate of title or duplicates thereof which have been suspended cancelled or revoked as provided in this act

(e) To make use of or operate any motor vehicle without the knowledge or consent of the owner or custodian thereof

(f) To operate a motor vehicle street car or trackless trolley omnibus while under the influence of intoxicating liquor or any narcotic drug or habit producing drug or permit any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

(g) To turn off any or all the lights on a motor vehicle for the purpose of avoiding identification or arrest

(h) To operate any motor vehicle upon the highways of this Commonwealth after the operating privilege is suspended or revoked and before such operating privilege has been reinstated

(i) To operate any motor vehicle upon the highways of this Commonwealth after its registration has been suspended by the secretary

(j) To use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this act or make a false statement or conceal a material fact or otherwise commit a fraud in any application

Penalty Any person violating any of the provisions of subsections (a) (b) (c) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty (\$50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Any person violating any of the provisions of subsection (j) or (k) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred (\$100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than twenty (20) days

Any person violating any of the provisions of subsections (e) (f) (g) (h) or (i) of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a court or quarter sessions be sentenced to pay a fine of not less than one hundred (\$100) dollars and not more than five hundred (\$500) dollars and costs of prosecution or undergo imprisonment for not more than three (3)

years or suffer both such fine and imprisonment

Section 10 Section seven hundred and two of said act as reenacted by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 751) is hereby amended to read as follows

Section 702 Motor Vehicles The fee for annual registration of motor vehicles except as provided in this act shall be at the rate of forty (40) cents for each horsepower or fractional part thereof Provided That the minimum fee payable for such annual registration shall be ten (\$10) dollars Provided further That the fee for the annual registration of any type of motor vehicle used exclusively in connection with the drilling of wells shall be ten (\$10) dollars

Section 11 Said act is hereby amended by adding thereto after section seven hundred and two a new section to read as follows

Section 702.1 Fee for Temporary Registration The fee for the temporary registration of motor vehicles shall be fifty (50c) cents for each set issued and dealers may purchase no less than five (5) sets of temporary registration plates at any one time

Section 12 Section seven hundred and twelve of said act as amended by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 712 Lighting Equipment

(a) The fee for approval and registration of head lamps and auxiliary driving lamps shall be one hundred and fifty (\$150) dollars for each type approved

(b) The fee for approval and registration of rear lamps signal lamps reflectors flares electrical signal devices and mechanical signal devices shall be fifty (\$50) dollars for each type approved

(c) The fee for approval and registration incident to the renewal of a certificate of approval for head lamps shall be fifty (\$50) dollars

(e) The fee for approval and registration of vacuum or pressure hose for brake systems shall be twenty-five (\$25) dollars for each type approved

(f) The fee for approval and registration incidental to the renewal of a certificate of approval for vacuum or pressure hose for brake systems or lens shall be ten (\$10) dollars

(g) The fee for approval and registration of a hitch or coupling device shall be twenty-five (\$25) dollars for each type approved

(h) Certificates approving each type of hitch or coupling device hereafter issued by the secretary will not expire until revoked by the secretary

Section 13 Article seven of said act is hereby amended by adding thereto after section seven hundred and twenty-four a new section to read as follows

Section 725 Refunds to Certain Persons (a) All persons who under the provisions of this act have paid for the year one thousand nine hundred forty-one or for any year thereafter while the present national emergency exists fees for the registration of any motor vehicle and who have subsequent to such payment been inducted into the armed forces of the United States by virtue of the Selective Service Act or who have volunteered for service in the armed forces of the United States shall be entitled upon application to the Department of Revenue on forms to be prepared by the Department of Revenue to receive a refund of fifty per centum (50%) of the fee or fees which such persons have paid to the Department of Revenue provided such persons were inducted or enlisted prior to the fifteenth day of June one thousand nine hundred forty-one or of any year thereafter while the present national emergency exists All persons selected or enlisting after the fifteenth day of June one thousand nine hundred forty-one or of any year thereafter as aforesaid shall be entitled upon application to the Department of Revenue as aforesaid to a refund of twenty-five per centum (25%) of the fee or fees paid by such persons

The State Treasurer is hereby authorized to make such refunds from the Motor License Fund upon requisition of the Department of Revenue and warrant of the Auditor General

(b) So much of the moneys of the Motor License Fund as shall be necessary to carry out the provisions of this act is hereby specifically appropriated from such fund for the purpose above stated

Section 14 Subsections (a) and (b) of section eight hundred and one of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (P L 2329) are hereby further amended to read as follows

Section 801 Required Lighting Equipment

(a) When Lights Must Be Displayed Every vehicle upon a highway within this Commonwealth during the period from [one (1)] one half ($\frac{1}{2}$) hour after sunset to [one (1)] one-half ($\frac{1}{2}$) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead shall be equipped with lighted lamps and illuminating devices as in this section respectively required for different classes of vehicles

(b) Head Lamps on Motor Vehicles Every motor vehicle other than a motorcycle or bicycle with motor attached shall be equipped with two (2) head lamps no more and no less at the front of and on opposite sides of the motor vehicle which head lamps shall comply with the requirements and limitations set forth in this act and shall be of a type which at the time of their use are approved by the secretary

Section 15 Section eight hundred and two of said act as amended by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P L 1135) is hereby further amended to read as follows

Section 802 Additional Permissible Lights and Devices

(a) Spot Lamps Any motor vehicle or motorcycle may be equipped with not to exceed one (1) spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred (100) feet ahead of the vehicle

(b) Auxiliary Driving Lamps Fog or Adverse Weather Lamps Any motor vehicle may be equipped with not more than a total of three (3) [not less than two (2)] auxiliary driving lamps and fog or adverse weather lamps or combinations thereof not more nor less than two (2) auxiliary driving lamps and not more nor less than two (2) fog or adverse weather lamps mounted on the front spaced at a distance of not less than twenty (20) inches apart and of a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands which lamp shall comply with requirements and limitations set forth in this act and shall be of types which at the time of their use are approved by the secretary Auxiliary [or] fog or adverse weather lamps shall not be used in substitution of head lamps except under conditions of rain or fog rendering disadvantageous the use of head lamps

(c) Signal Lamps and Mechanical Devices

1 Whenever a motor vehicle is required to be equipped with a signal lamp or a signal device it shall be so constructed and located on the vehicle as to give a signal of intention to stop or to turn right or left the signal shall be yellow white or red in color and shall be plainly visible in normal sunlight and at night from a distance of one hundred (100) feet to the front and from a distance of one hundred (100) feet to the rear of the vehicle but shall not project a glaring or dazzling light and all such signals shall be of types which at the time of their use are approved by the secretary except that a signal giving the intention to stop shall only be visible from a distance of one hundred (100) feet to the rear

2 When a vehicle is equipped with a mechanical signal the mechanical signal shall be self-illuminated when in use at the times mentioned in section eight hundred one (801) and shall be of a type which at the time of its use is approved by the secretary

3 On and after November first one thousand nine hundred and thirty-nine when a vehicle is equipped with

an electrical signal device such device shall be of a type which at the time of its use is approved by the secretary

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 16 Section eight hundred two and one-tenth of said act which was added by the act approved the sixteenth day of July one thousand nine hundred and thirty-five (P L 1056) is hereby amended to read as follows

Section 802.1 Multiple Beam Road Lighting Equipment

Except as hereinafter provided the headlamps or the auxiliary driving lamps or combinations thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations subject to the following requirements and limitations

(a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading The maximum intensity of this uppermost distribution of light or composite beam one (1) degree of arc or more above the horizontal level of the lamps when the vehicle is not loaded shall not exceed eight thousand (8000) apparent candlepower and at no other point of the distribution of light or composite beam shall there be an intensity of more than seventy-five thousand (75,000) apparent candlepower

(b) There shall be a lowermost distribution of light or composite beam so aimed that

1 When the vehicle is not loaded none of the high intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of [ten (10)] eight (8) inches below the level of the center of the lamp from which it comes

2 When the vehicle is not loaded none of the high intensity portion of the light which is directed to the right of the prolongation of the extreme left side of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of [five (5)] three (3) inches below the level of the center of the lamp from which it comes

3 In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead

(c) Where one intermediate beam is provided the beam on the left side of the road shall be in conformity with subsection (b) one of this section except when arranged in accordance with the practice specified in subsection (e)

(d) All road lighting beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least one hundred (100) feet ahead

(e) All road lighting equipment manufactured and installed on and after January first one thousand nine hundred thirty-six shall be so arranged that whenever any beam is used which is not in conformity with subsection

(a) of this section two (2) white or yellow lights one (1) on each side of the vehicle visible to an oncoming driver and to the driver of said vehicle shall be lighted except that other suitable alternate means may be provided for indicating to the driver behind the light when such beams are on Indicator lights shall not be connected otherwise than as required in this paragraph Beam indicator lights and front parking lights shall be so connected that neither of said lights shall be lighted when a beam is in use which conforms with subsection (b) one of this section Every new motor vehicle registered in this Commonwealth or on or after the first day of January one thousand nine hundred forty-two which has multiple beam road-lighting equipment shall be equipped with a beam indicator which shall be lighted whenever the

uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 17 Section eight hundred and five of said act is hereby amended to read as follows

Section 805 Use Test and Approval of Lamps

(a) It shall be unlawful for any person to use upon a motor vehicle upon a highway any electric headlamp lens reflector or headlight control device or any electric auxiliary driving lamp rear lamp electrical signal device mechanical signal device or signal lamp unless of a type which has been submitted to the secretary for test and for which a certificate of approval has been issued by the secretary and is then in effect as provided in this act

(b) The secretary is hereby authorized to adopt and enforce rules and uniform standard specifications as to the amount color and direction of light to be emitted by headlamps auxiliary driving lamps rear lamps lenses electrical signal devices mechanical signal devices and signal lamps and the secretary is authorized and required to determine whether any headlamps auxiliary driving lamps signal lamps lenses electrical signal devices mechanical signal devices and rear lamps submitted will comply with such rules and uniform standard specifications and the secretary may approve such headlamps auxiliary driving signal lamps lenses electrical signal devices mechanical signal devices and rear lamps and to publish lists of such devices by name and type together with the permissible candlepower rating of the electric lamps or bulbs as he shall determine are lawful thereunder

(c) Any person desiring approval of any lighting device electrical signal device or mechanical signal device herein provided shall submit to the secretary two (2) sets of each type of device upon which approval is desired together with the fee provided in this act The secretary shall upon notice to the applicant submit such device to the United States Bureau of Standards or to such other recognized testing laboratory he may elect for a report as to the compliance of such device with the rules and uniform standard specifications adopted by the secretary Such devices will also be subject to any road tests or other tests as the secretary may deem necessary to determine that each type of headlamp auxiliary driving lamp rear lamp lens electrical signal device mechanical signal device and signal lamp they and their component parts are so constructed and mounted as to render them readily and universally adjustable to conform to the requirements as adopted by the secretary The secretary is authorized to refuse approval of any lighting device electrical signal device or mechanical signal device certified as complying with the specifications and requirements which the secretary determines will be in actual use unsafe or impracticable or would fail to comply with the provisions of this act or such requirements as may be adopted by the secretary

(d) The secretary shall request the testing agency to submit a report of each type of device to the secretary in duplicate For those which are found to comply with the specifications and requirements the report shall include any special adjustments required and the candlepower rating of the bulbs for such conformance Reports of all tests shall be accessible to the public and a copy thereof shall be furnished by the secretary to the applicant for the tests

Penalty Any person violating any of the provisions of subsection (a) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 18 Section eight hundred six and two-tenths of said act which was added by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (P L 2329) is hereby amended to read as follows

Section 806.2 Sale of Unapproved Vacuum or Pressure Hose Prohibited It shall be unlawful for any person to sell or lease or to offer for sale or hire either separately or as a part of the equipment of a vehicle any vacuum hose for brake systems unless such hose is approved by the secretary and bears the trade-mark or name under which it is approved so as to be legible when installed and is accompanied by printed instructions as to the manner of installation or use necessary for compliance with the requirements of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of [fifty (\$50)] ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than [ten (10)] five (5) days

Section 19 Section eight hundred and nine of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P L 751) is hereby further amended to read as follows

Section 809 Red Light Visible From in Front of Vehicles No persons shall operate or move any vehicle except fire departments [and] fire patrol apparatus or the private vehicles of those chiefs of fire departments assistant chiefs of fire departments or fire marshals who in accordance with a statement filed with the Pennsylvania Motor Police prior thereto use the same for answering fire or emergency calls upon a highway with a red light displayed on or showing to the front thereof

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 20 Subsection (g) and the penalty clause of section eight hundred and thirteen of said act as amended by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) are hereby further amended to read as follows:

Section 813 Official Inspection Stations

* * * *

(g) Any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle trailer or semi-trailer and require the owner or operator to demonstrate that such vehicles conform with the provisions of this act If such demonstration discloses the necessity for corrections adjustments or repairs to such vehicle the owner shall be notified that unless a certificate issued or executed by a representative of an official inspection station is submitted within five (5) days to the peace officer indicating that the necessary corrections adjustments or repairs have been made or that the registration plates and card for such vehicle have been surrendered and returned to the department for cancellation and the vehicle removed from the highways information for the prosecution or arrest of the owner or operator will be made for the specific violation or violations of this act noted at the time of notification Provided That when service and emergency brakes applied simultaneously will not stop a motor vehicle trailer or semi-trailer within distance defined in this act or hold a motor vehicle trailer or semi-trailer on a descending grade not exceeding ten (10) per centum or when the lighting equipment is glaring or insufficient or not in operation or is not equipped with a mirror or windshield wiper as defined and required in this act the owner or operator may be required to correct the faulty condition before being permitted to proceed with the vehicle and may be prosecuted for the specific violation of this act

* * * *

Penalty Any [owner who operates such inspection station or any manager or operator thereof or any employee thereof] person violating any of the provisions of this

section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 21 Section eight hundred and fourteen of said act is hereby amended to read as follows:

Section 814 Horns and Warning Devices

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn or other warning device in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet and it shall be unlawful except as otherwise provided in this act for any vehicle to be equipped with or for any person to use upon a vehicle any siren bell compression or sparkplug whistle or for any person at any time to use a horn or other warning devices otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device

(b) Every police [and] fire department and fire patrol vehicle [and every] ambulance or the vehicle of the chief of any fire department assistant chief of any fire department or fire marshal who in accordance with a statement filed with the Pennsylvania Motor Police prior thereto uses the same for answering fire or emergency calls may be equipped with a bell siren compression or sparkplug whistle of a type approved by the secretary

Penalty Any person violating any of the provisions of subsection (a) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 22 Section eight hundred sixteen and two-tenths of said act which was added by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (P. L. 2329) is hereby amended to read as follows:

Section 816.2 Unlawful to Sell Equipment Not in Conformance with Act It shall be unlawful for any person to sell lease use install or repair either for himself or as the agent or employe of another or through such agent or employe any glass lighting signal devices brakes [vacuum or pressure hose] or any other kind of equipment whatsoever for use in any vehicle trailer or semi-trailer that is not in conformity with the provisions of this act or the regulations made thereunder

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 23 Subsection (g) of section eight hundred and twenty-three subsection (a) of section eight hundred and twenty-four and clause (6) of subsection (b) of section eight hundred and twenty-eight of said act as amended by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows:

Section 823 Official Inspections

* * *

(g) Any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle trailer or semi-trailer and require the owner or operator to display an official certificate [or other satisfactory proof of inspection] for the motor vehicle trailer or semi-trailer being operated It shall be unlawful for any such certificate to be displayed on a motor vehicle trailer or semi-trailer or by the owner or operator unless an official inspection of its mechanism or equipment shall have been made and the motor vehicle trailer or semi-trailer conforms to the provisions of this act

Section 824 Danger and Caution Signals

(a) Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial vehicle or combination of vehicles

[having] authorized to carry a gross weight of eleven thousand (11,000) pounds or more and every trailer or semi-trailer designed for the living quarters or carriage of persons shall be equipped with at least three (3) red flags or dimensions not less than twelve by twelve (12x12) inches and a sufficient number of flares not less than three (3) or electric lanterns electric flashing signals or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred (500) feet for a period of at least eight (8) hours Provided however That the provisions of this section shall not apply to vehicles within the confines of a municipality or within a business or residence district

Every such flare lantern electric flashing signal or other signal shall be of a type approved by the secretary and he shall publish lists of those devices which he has approved as adequate for the purposes of this section

Section 828 School Buses and Safety Requirements

* * *

(b) No person shall own or operate a school bus carrying school children on the highways of this Commonwealth in a school bus that in addition to the other requirements of this act does not conform with the following

* * *

(6) There shall be at least thirteen (13) inches of seating space provided for each school child carried And there shall be a measurement of at least twelve (12) inches from the front of every seat to the back of the seat next to the rear All seats shall have spring cushions and all back rests shall be well padded and shall be securely fastened to the bus There shall be no longitudinal seats opposite to and facing each other within a distance of eighteen (18) inches and in all new buses purchased after the effective date of this act there shall be no longitudinal seats except in buses where fifty per centum or more of the pupils transported on any one trip of the school day are crippled

Section 24 Subsections (a) and (g) of section nine hundred and two and the penalty clause of section nine hundred and three of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (P. L. 2329) are hereby further amended to read as follows

Section 902 Size of Vehicles and Loads (a) No vehicle except fire department equipment shall exceed a total equipment street sweepers and snow plows shall exceed a total maximum width including any load thereon of ninety-six (96) inches except that the limitations as to size of vehicles stated in this act shall not apply to vehicles loaded with hay or straw in bulk

* * *

(g) No truck tractor and semi-trailer coupled together except fire department equipment shall exceed a total maximum length inclusive of load and bumpers of five hundred forty (540) inches excepting [that until but not after January first one thousand nine hundred forty-one any truck tractor and semi-trailer properly registered in this Commonwealth on the effective date of this act may when coupled together be of a total maximum length not exceeding seventy (70) feet excepting further] that nothing in this subsection shall prohibit the transportation of articles impossible of dismemberment [which] where total length of vehicles [do] does not exceed seventy (70) feet

Section 903 Weight of Vehicles and Loads

* * *

Penalty Any person operating any vehicle or combination of vehicles upon any highway with a gross weight exceeding by more than five (5) per centum the maximum gross weight allowed and not exceeding by more than ten (10) per centum the maximum gross weight allowed shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and any person operating any vehicle or combination of vehicles on any highway with a gross weight exceeding by more than (10) per centum the

maximum gross weight allowed shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty (\$50) dollars and costs of prosecutions and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 25 The penalty clause of section nine hundred and three of said act as last amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (P. L. 2329) is hereby further amended to read as follows:

Section 903 Weight of Vehicles and Loads

Penalty [Any person operating any vehicle] Where any vehicle shall be operated upon any highway with a gross weight exceeding by more than five (5) per centum the maximum gross weight allowed and not exceeding by more than ten (10) per centum the maximum gross weight allowed the owner or operator thereof or both shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and [any person operating any vehicle on] where any vehicle shall be operated upon any highway with a gross weight exceeding by more than ten (10) per centum the maximum gross weight allowed the owner or operator thereof or both shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty (\$50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days Provided That where the owner of the vehicle is a corporation partnership or association the officers of such corporation or the members of such partnership or association violating the provisions of this section shall be subject to the penalties provided for herein And provided further That the operator of any such vehicle who is not its owner shall not be liable for such violation nor subject to the penalties set forth herein if he can establish by evidence that he did not have notice or knowledge of the overweight of such vehicle The secretary shall have authority to suspend the registrations of any resident owner to operate or to have his vehicle operated in this Commonwealth who shall fail to pay any fine imposed under the provisions of this section upon any such resident or nonresident owners and such registrations or privilege to operate or to have his vehicles operated in this Commonwealth shall remain suspended until such fine has been paid The secretary upon reinstatement of the registration or operating privilege of any such resident or nonresident owner shall have the discretionary power to determine whether or not financial security for further violations shall be required Such security if required may be in the form of a bond cash or securities not exceeding in amount or value the sum of one hundred fifty (\$150) dollars which shall be deposited with the State Treasurer until released upon order of the secretary

Section 26 Subsection (a) of section nine hundred and five of said act as amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1718) is hereby further amended to read as follows:

Section 905 Permits for Excessive Size and Weight (a) The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdiction may in their discretion upon application in writing accompanied by the fee provided in this act and in good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a vehicle or combination of vehicles or a vehicle and load or a combination of vehicles and their load or loads of a size or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible When a permit has been issued by the Secretary of Highways no other authorities shall require any further or additional permit for any portion of the route specified therein Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules regulations restrictions or conditions as shall be deemed necessary by the authority granting

such permit Provided That upon request included in the application a combination permit may be issued for a single continuous round trip whether or not a load or loads may be transported for the entire trip but no substantial increase in the size or weight of vehicle or combination of vehicles or of load shall be made between intermediate points without supplemental permit The Secretary of Highways may in his discretion issue a single permit for any fixed number of movements across the highway or along the highways of vehicles or combination thereof exceeding the maximum size or weight specified in this act at specified locations or within any area in the Commonwealth designated in the permit Whenever any such permit shall have been issued for crossing the highway it shall be unlawful to move said vehicles along the highway The movement of any vehicle or load requiring a permit shall impose the obligation on the permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not such damage may be attributable to negligence on the part of the permittee Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employee of the Department of Highways of this Commonwealth or to any person having collision with or suffering injury from such vehicle

Section 27 Clause (1) of subsection (d) of section one thousand and two of said act as amended by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby amended to read as follows

Section 1002 Restrictions as to Speed

(b) (1) When the rate of speed of any vehicle is timed on any highway within a business or residence district where official speed limit signs are erected as provided in this section for the purpose of ascertaining whether or not the operator of such vehicle is violating a speed provision of this act such time shall be taken by not less than (2) peace officers one of whom shall have been stationed at each end of a measured stretch and no conviction shall be had upon the unsupported evidence of one (1) peace officer except as hereinafter provided and no such measured stretch shall be less than one-eighth ($\frac{1}{8}$) of a mile in length except that in ascertaining whether or not the operator of such vehicle is violating the speed limit at an intersection such measured stretch shall not be less than eighty-eight (88) feet in length Under all conditions the rate of speed shall be timed for a distance of not less than one-quarter ($\frac{1}{4}$) mile by a peace officer using a motor vehicle equipped with a speedometer tested for accuracy within a period of thirty (30) days prior to the alleged violation An official certificate from an official speedometer testing station showing such test was made that the speedometer was adjusted for accuracy the date thereof and the degree of accuracy of such speedometer after adjustment shall be competent and prima facie evidence of the fact that such certificate was issued by an official speedometer testing station appointed by the secretary and of the accuracy of the speedometer in every proceeding where an information is brought charging a violation of this section

Section 28 Section one thousand and three of said act is hereby amended to read as follows

Section 1003 Railroad Warning Signals Must be Obeyed Whenever any person driving a vehicle approaches an interurban or steam railway grade crossing and a clearly visible and positive signal gives warning of the immediate approach of a railway train or car it shall be unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop before traversing such a grade crossing

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of [ten (\$10) dollars] one (\$1) dollar and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than [five (5)] three (3) days

Section 29 Section one thousand and fourteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one

(P. L. 751) is hereby further amended to read as follows

Section 1014 Exceptions to the Right of Way Rule

(a) The driver of a vehicle entering a highway from a private road or drive shall yield the right of way to all vehicles approaching on such highway

(b) The driver of a vehicle upon a highway shall yield the right of way to police [and] fire department and fire patrol vehicles [and] ambulances and the vehicles of those chiefs of fire departments assistants chiefs of fire departments and fire marshals who signify in writing their intention to use such vehicles while answering fire or emergency calls and file the written declaration prior to such use thereof with the Pennsylvania Motor Police when such vehicles are operated upon official business and the drivers thereof sound audible signal This provision shall not operate to relieve the driver of [a police or fire department vehicle or ambulance] any such vehicle from the duty to drive with due regard for the safety of all persons using the highway nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right of way

(c) The driver of a vehicle entering a through highway or stop intersection which has been established as such under provision of this act shall yield the right of way to all vehicles approaching in either direction on such through highway This provision shall not operate to relieve the driver of any vehicle being operated on a through highway from the duty to drive with due regard for the safety of vehicles entering such through highway nor shall it protect the driver of any vehicle on a through highway from the consequence of an arbitrary exercise of such right of way

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 30 Section one thousand and fifteen of said act as last amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (P. L. 2329) is hereby further amended to read as follows

Section 1015 What to do on Approach of Police or Fire Department Vehicle

(a) Upon the approach of any police [or] fire department and fire patrol vehicle [or] ambulance or the vehicle of the chief of any fire department assistant chief of any fire department or fire marshal who in accordance with a statement filed with the Pennsylvania Motor Police prior thereto uses the same for answering fire or emergency calls giving audible signal the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the highway clear of any intersection or highways and shall stop and remain in such position unless otherwise directed by a peace officer until [the police or fire department vehicle or ambulance] such vehicle shall have passed

(b) It shall be unlawful for the driver of any vehicle street car or trackless trolley omnibus other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or park such vehicle within five hundred (500) feet where fire apparatus has stopped in answer to a fire alarm

(c) Upon the approach of any police [or] fire department and fire patrol vehicle [or] ambulance or the vehicle of the chief of any fire department assistant chief of any fire department or fire marshal who in accordance with a statement filed with the Pennsylvania Motor Police prior thereto uses the same for answering fire or emergency calls giving audible signal the operator of every street car or trackless trolley omnibus shall immediately stop and remain in such position unless otherwise directed by a peace officer until [the police or fire department vehicle or omnibus] such vehicle shall have passed

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars

and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 31 Subsection (a) of section one thousand one hundred and three as amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1718) is hereby further amended to read as follows

Section 1103 Powers of Local Authorities

(a) Local authorities except as expressly authorized by this act shall have no power or authority to alter any speed limitations declared in this act or to enact or enforce any ordinance rule or regulation contrary to the provisions of this act except that local authorities shall have power to provide by ordinance for the regulation of traffic by means of peace officers or official traffic signals on any portion of the highway where traffic is heavy or continuous and may regulate or prohibit parking stopping or loading of vehicles or prohibit other than one-way traffic upon certain highways and may regulate the use of the highways by processions or assemblages and may regulate the kinds and classes of traffic and its turning on certain highways at all or certain hours and may regulate the transportation by motor vehicles of passengers for compensation within the limits of a city or from points in the city to points beyond the city limits and make and enforce regulations for the operation of such vehicles not inconsistent with this act and designate certain streets upon which such vehicles may be operated

Provided however That any regulations of the kinds and classes of traffic on State Highway Routes within cities shall be subject to the approval of the Secretary of Highways first had and obtained

And excepting further that any city of the first class and any city of the second class may by ordinance provide that the maximum speed within said city shall not exceed thirty-five (35) miles an hour

Local authorities may designate any highway or any part of a highway under their jurisdiction a "Play Highway" and may close such designated highway to general traffic where interference to traffic will not be serious Such highways or portions of highways shall be used for play purposes and shall be clearly designated by appropriate signs specifying the hours between which such highways shall be closed to general traffic

Local authorities may regulate parking by means of mechanical devices requiring the deposit of a coin or coins to cause or permit the device to be actuated and may fix the denomination of the coins to be deposited and the limit of time vehicles may be parked proportionate to the amount of money so deposited if official signs giving notice thereof are first posted conspicuously at points where any highway affected thereby joins other highways and if official signs giving notice of such charges and time limits are attached to each device All income received from the use of mechanical devices to regulate parking shall be deposited in a separate account and shall be appropriated and expended first for the purchase operation and maintenance of such mechanical devices and incidental costs arising from such regulation and any balance thereafter remaining may be expended only for general traffic regulation and for no other purpose

Section 32 Subsection (g) of section one thousand one hundred and ten of said act which was added by section fourteen of the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1718) and amended by the act approved the ninth day of June one thousand nine hundred and thirty-nine (P. L. 317) and by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 1110 Erection of Traffic Signs Signals and Markings

* * *

(g) Traffic signals electrically operated that have been erected prior to the passage of this act whenever reconstructed or the controllers or wiring are replaced shall be made to conform with the provisions of this act and the regulations of the Secretary of Highways but in any

event all such signals except in cities of the second class A shall be made to so conform not later than January first one thousand nine hundred and forty-two and in cities of the second class A not later than January first one thousand nine hundred and forty-four unless extension of time shall be granted by the Secretary of Highways in each specified case

Section 33 Article eleven of said act is hereby amended by adding thereto after section one thousand one hundred and fourteen a new section to read as follows

Section 1115 Regulation of Traffic on Pennsylvania Turnpike (a) The Pennsylvania Turnpike Commission shall have the power by resolution to promulgate rules and regulations for the regulation of traffic by means of peace officers or official traffic signs or signals on any portion of any turnpike or highway under its supervision and control may establish one-way traffic lanes and may regulate or prohibit parking stopping or loading of vehicles or the use of the turnpike or any highway under its supervision and control by processions or assemblages the kinds and classes of traffic and its turning upon or the crossing of the medial strip or any other portion of such turnpikes or highways the transportation by vehicles of automobiles machinery and merchandise and the transportation of passengers and generally make and enforce regulations for the operation of same with due regard to the safety of the traveling public Provided however That such rules and regulations shall not be inconsistent with the provisions of this act

(b) The rules and regulations promulgated by the Pennsylvania Turnpike Commission governing the traffic upon any turnpike or highway under its supervision and control shall become effective upon the publication thereof in the manner which the commission shall prescribe A copy of all such rules and regulations which shall become effective shall be posted and remain posted so long as they are effective in a conspicuous place at all entrances to such turnpike or highway for the inspection of persons using such turnpike or highway

(c) Any person or persons violating any of the rules and regulations of said commission for which no penalty has been provided in Vehicle Code or other laws relating to vehicles shall upon summary conviction before a magistrate or justice of the peace be sentenced to pay a fine or ten dollars (\$10) and costs of prosecution and in default of the payment thereof shall undergo imprisonment of not more than ten (10) days

Section 34 Section one thousand two hundred and one of said act as amended by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 1201 Limitations of Actions

(a) Informations charging violations of any of the summary provisions of this act by any person shall be brought before the nearest available magistrate within the city borough incorporated town or township where the alleged violation occurred except that local authorities in cities may establish a special magistrate's or traffic court before which such informations shall be brought Provided however That where there is no substantial difference between the respective distances from the place where the alleged violation occurred to the offices of more than one magistrate any such prosecution may be brought before any one of such magistrates or if there is no person holding the office of magistrate in such city borough incorporated town or township then such information [shall] may be brought before [such nearest] any available magistrate in any [adjoining] city borough incorporated town or township adjoining such district wherein the alleged violation occurred and if there is no person holding the office of magistrate in such district then such information may be brought before any magistrate in the county wherein the violation occurred except that information charging violations of any of the provisions of this act which shall occur

upon any highway under the supervision and control of any Pennsylvania Turnpike Commission now or hereafter created may be brought before any magistrate within any county wherein the alleged violation occurred and excepting further that where a special magistrate's or traffic court is set up in any city the information may be filed with that traffic court regardless of the availability or nearness of any other magistrate to the place where the offense was alleged to have been committed Provided however That such information must be filed in the special magistrate's or traffic court located in the city where the offense was alleged to have been committed Such informations shall be brought within fifteen (15) days after the commission of the alleged offense and not thereafter except that where an information is filed against a person prima facie guilty of a summary offense and it subsequently appears that a person other than the person named in the information was the offender an information may be filed against such other person within fifteen (15) days after his or her identity shall have been discovered and excepting further that information charging violations of the provisions of sections 207 210 212 406.1 610.1 and 620 (j) of this act may be brought within fifteen (15) days after it is discovered that a violation of any of these sections has been committed and excepting further that informations charging violations of the provisions of section one thousand and twenty-five (d) of this act may be brought against a person within fifteen (15) days after his or her identity shall have been discovered

(b) Where the offense committed is designated a felony or misdemeanor information may be filed as now provided by law

Section 35 Section one thousand two hundred and two of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (P. L. 2329) is hereby further amended to read as follows

Section 1202 Proceedings by Information and Warrant

(a) Summary proceedings under this act [may] or any violation of a local ordinance rule or regulation enacted under the authority thereof except as hereinafter provided shall be commenced by the filing of information which information must be filed in the name of the Commonwealth and within the period of seven (7) days after information has been lodged the magistrate shall send by registered mail to the person charged at the address shown by the records of the department a notice in writing of the filing of the information together with a copy thereof and a notice to appear within ten (10) days of the date of the written notice at which time the person charged shall appear and may plead guilty and pay fine and costs imposed waive a hearing and post bail or request a hearing the date of which shall be fixed by the magistrate at a time not less than five (5) nor more than ten (10) days from the date of such appearance Provided however That the person charged in lieu of a personal appearance as described above may plead guilty and pay by registered mail the fine and costs imposed or request by registered mail a hearing Where the person charged requests by registered mail a hearing the magistrate shall fix a date for such hearing at a time not less than ten (10) nor more than twenty (20) days from the date such request was received and notice of such hearing shall be sent to the person charged by the magistrate within five (5) days of the receipt of such request

1 If the person named in the information shall not voluntarily appear within ten (10) days of the date of the written notice a warrant shall then issue and may be served by a peace officer having authority to serve warrants in the county in which the alleged violation has been committed

If the person charged cannot be served within such county then the magistrate shall deputize a peace officer having authority to serve warrants in the county wherein the person charged resides or may be found to serve such warrant

2 The peace officer serving such warrant shall take the defendant before a magistrate within the city borough incorporated town or township in which the defendant is

found or if there is no person holding the office of magistrate in any adjoining city borough incorporated town or ship then the defendant shall be taken before a magistrate in any adjoining city borough incorporated town or township who shall take bail either for the defendant's appearance before the magistrate who issued the warrant or for his appearance for trial in the proper court if a summary hearing is waived

(b) Where the offense committed is designated a felony or misdemeanor information may be filed and warrant served as now provided by law

(c) Whenever an arrest is made upon view under any of the provisions of and as limited by this act the officer making the arrest shall forthwith make and file with the magistrate before whom the arrested person is taken an information setting forth in detail the offense and at once furnish a copy thereof to the person arrested

(d) Any person so arrested shall be given the opportunity of having an immediate hearing or of giving bail as provided in this act for a hearing before the magistrate to be held at a date not more than ten (10) days from the date of such arrest or of waiving a hearing and giving bail for his appearance in court

Section 36 Section one thousand two hundred and seven of said act as last amended by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 1207 Disposition of Fines and Forfeitures

(a) All fines and penalties collected under the provisions of this act for violations of the same and all bail forfeited shall be paid to the department and transmitted to the State Treasury and credited to the "General Fund" except those collected for violations of the provisions of sections nine hundred and three (903) nine hundred and five (905) one thousand and two (1002) one thousand and eleven (1011) one thousand and fifteen (1015) one thousand and eighteen (1018) one thousand and twenty (1020) one thousand and twenty-six (1026) one thousand and twenty-eight (1028) of this act committed within cities boroughs incorporated towns and townships which fines and penalties and all bail forfeited shall be paid to the treasurer of the city borough incorporated town or township wherein the violation occurred to be used by such city borough incorporated town or township for the construction repair and maintenance of the highways thereof Provided That all fines and penalties collected and all bail forfeited for violations of the provisions of section one thousand and sixteen (1016) committed within cities boroughs incorporated towns and townships shall be paid to the treasury of the city borough incorporated town or township wherein the violation occurred to be used by such city borough incorporated town or township for the construction repair and maintenance of the highways thereof And provided further That all fines and penalties collected and all bail forfeited for violations of the provisions of subsection (f) of section six hundred twenty (620) shall be paid to the treasury of the county wherein the violation occurred to be used by such county for the payment of physicians' fees for the examination of person accused of violating the provisions of the said section [Any] and any balance remaining in the treasury of the county at the expiration of the calendar year and not payable for physicians' services rendered shall be used for county highway purposes And provided further That all fines and penalties collected and all bail forfeited for violations of the provisions of sections nine hundred and three (903) nine hundred and five (905) one thousand and two (1002) one thousand and eleven (1011) one thousand and fifteen (1015) one thousand and sixteen (1016) one thousand and eighteen (1018) one thousand and twenty (1020) one thousand and twenty-six (1026) and one thousand and twenty-eight (1028) of this act upon any highway under the supervision and control of any Pennsylvania Turnpike Commission now or hereafter created shall be paid to the county commissioners of each of the respective counties wherein the violations occurred who shall distribute semi-annually all such moneys received from such fines penalties and bail forfeited equally among the several boroughs incorporated

towns and townships bordering upon such highways in each such county All such moneys received by such boroughs incorporated towns and townships shall be used for the construction repair and maintenance of the highways thereof

(b) Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate or other officer imposing or receiving the same to the secretary upon forms furnished by the department such reports shall be made monthly not later than the tenth (10th) day of the following month

Penalty Any magistrate or other officer who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of five hundred (\$500.00) dollars and costs of prosecution or undergo imprisonment for not more than sixty days or suffer both such fine and imprisonment

Section 37 Section one thousand two hundred and eleven of said act as amended by the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 1211 Limitation of Authority for Pennsylvania Motor Policemen Such employes of the Commonwealth as are designated as Pennsylvania Motor Policemen are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view on Sunday or any other day when in uniform without writ rule order or process any person violating any of the provisions of this act in addition to any other power or authority conferred by law except such motor policeman shall have no authority to arrest on view any person violating any of the provisions of subsections (d) or (e) of section eight hundred thirteen (813) or subsections (c) (d) (e) or (f) of section eight hundred twenty-three (823) of this act

Whenever an arrest of any person is made upon view on Sunday or any other day under the provisions of this section the officer making the arrest shall forthwith take the defendant before the nearest available magistrate in the city borough incorporated town or township where the alleged offense occurred except that informations charging violations of any of the provisions of this act which shall occur upon any highway under the supervision and control of any Pennsylvania Turnpike Commission now or hereafter created may be brought before any magistrate within any county wherein the alleged violation occurred and excepting further that local authorities in cities may establish a special magistrate's or traffic court before which such informations shall be brought Provided however That where there is no substantial difference between the respective distances from the place where the alleged violation occurred to the offices of more than one magistrate any such prosecution may be brought before any one of such magistrates or if there is no magistrate available in such district then the officer [shall forthwith] may take the defendant to [such nearest] any available magistrate in any [adjoining city borough incorporated town or township] district adjoining the district wherein the alleged violation occurred and if there is no person holding the office of magistrate in such district then the officer may take the defendant to any available magistrate in any district adjoining the district wherein the alleged violation occurred and if there is no person holding the office of magistrate in such district then the officer may take the defendant to any magistrate in the county wherein the violation occurred [and] except where a special magistrate's or traffic court is set up in any city the information may be filed with that traffic court regardless of the availability or nearness of any other magistrate to the place where the offense was alleged to have been committed Provided however That such information must be filed in the special magistrate's or traffic court located in the city where the offense was alleged to have been committed The officer making the arrest shall make and file with the magistrate before whom the arrested person is taken an information setting forth in detail the offense

and at once furnish a copy thereof to the person arrested

Any person so arrested on any day other than Sunday shall be given the opportunity of having an immediate hearing or of waiving a hearing or of giving bail and any person so arrested on Sunday shall be given the opportunity of giving bail which shall be accepted by the magistrate the same as on any other day as provided in this act for a hearing before the magistrate to be held at a date not more than ten days from the date of such arrest or of waiving a hearing and giving bail for his appearance in court

Section 38 Subsection (c) of section one thousand two hundred and twelve of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 751) is hereby further amended to read as follows

Section 1212 Enforcement of Local Ordinances

* * * *

(c) Any city borough incorporated town township or county which enforces an ordinance rule or regulation on a matter concerning which authority is expressly delegated to said authorities by this act or for traffic matters not covered by this act may impose a fine of not more than fifty (\$50) dollars to be collected by summary conviction before any magistrate [as fines and penalties are now by law collected] as provided in this act In the event of nonpayment of fines and costs of prosecution the magistrate may sentence any person convicted of violating an ordinance rule or regulation to undergo imprisonment for a period of not exceeding ten (10) days Provided That any person so convicted shall have the right of appeal as in other cases of summary conviction And further provided That any person accused of violating a local ordinance rule or regulation enforced under the authority of this act may waive summary hearing and give bond in a sum equal to double the amount of the maximum fine and costs that might be imposed for appearance for trial before a judge of the court of quarter sessions or in the county court or in the municipal court in counties wherein such courts exist and thereupon the magistrate shall within fifteen (15) days return the information to the said court and if any person so accused shall be convicted in such court of the offense charged he shall be fined as prescribed by said ordinance rule or regulation or in event of non-payment of such fine and costs of prosecution to suffer imprisonment for a period not to exceed ten (10) days All fines and bail forfeited as provided for in this section shall be paid to the treasurer of such city borough incorporated town or township for the construction repair and maintenance of the highways thereof

Section 39 Subsection (b) of section one thousand two hundred and fourteen and section one thousand two hundred and fifteen of said act are hereby amended to read as follows

Section 1214 Duty to Report Accidents

* * * *

(b) Local authorities may require the reporting of motor vehicle accidents [in such form as they deem advisable] occurring within their jurisdictions but such reports shall only be made on forms prescribed by the department and such local reports shall not conflict with the necessity for reporting such accidents to the department

Section 1215 Garage Keeper to Report Damaged Motor Vehicles The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been struck by any bullet shall report to the nearest police station or sheriff's office within [twenty-four (24)] eight hours after such motor vehicle is received giving the name engine number manufacturer's serial number registration plate number and the name and address of the owner or operator of such vehicle

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 40 Subsection (c) of section one thousand two

hundred and eighteen of said act is hereby amended to read as follows

Section 1218 Signals and Investigations by Officers

* * * *

(c) Any peace officer or department employe who shall be in uniform or shall exhibit a badge or other sign of authority shall have the right to inspect any motor vehicle in any public garage or repair shop or upon any parking or used car lot for the purpose of locating stolen motor vehicles [and] investigating the title and registration of motor vehicles and determining whether motor vehicles are in a safe condition for operation upon the highways and for such purpose the owner of any such garage [or] repair shop or parking or used car lot shall permit any such peace officer or department employe without let or hindrance to make investigation as herein authorized

Section 41 Article twelve of said act is hereby amended by adding thereto after section one thousand two hundred and twenty-two two new sections to read as follows

Section 1223 Medical Examination by Physicians Fee Where any person charged with violating any of the provisions of section six hundred and twenty (f) of this act shall be examined by a physician such examination shall be made by a physician whose office is within the city borough incorporated town or township where the alleged violation occurred or if such physician or physicians shall not be in their offices or shall refuse to make an examination or there shall not be a physician having an office within such city borough incorporated town or township then such examination shall be made by a physician having an office in any other city borough incorporated town or township within the county wherein the alleged violation occurred

The physician's fee for the medical examination of any person charged with violating the provisions of section six hundred and twenty (f) of this act and for any appearances as a witness that may be necessary shall be deemed to be an item of the costs when prosecution is brought Such fee shall be ten (\$10) dollars and shall be paid by the county to the examining physician upon authorization of the district attorney in those cases where no bill of indictment charging any person with such violation is presented to the grand jury and in all other cases as now provided by law Provided however That no fees shall be paid under the provisions of this section to a physician whenever such examination could have been made by a physician receiving compensation at regular intervals whose regular duties include the duty of making such examinations

Section 1224 Notice by Registered Mail of Suspension or Revocation of License Privileges

Wherever under the provisions of this act the secretary is required to give notice of the suspension or revocation of any license privilege such notice may be given by registered mail

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Flynn,	Longo,	Rose, S.,
Allmond,	Foor,	Lovett,	Rose, W. E.,
Auker,	French,	Lyons,	Rosenfeld,
Baker,	Gallagher,	Malloy,	Royer,
Balthaser,	Gates,	Marks,	Rush,
Beugher,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarraf,
Bentzel,	Gillette,	McClester,	Schwab,
Boles,	Goodwin,	McDermott,	Serrill,
Boney,	Gross,	McFall,	Shaffer,
Boorse,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Skale,
Breth,	Haberlen,	McLane,	Snyder,

Bretherick,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burris,	Hare,	Mihm,	Stine,
Cadwalader,	Harkins,	Modell,	Stockham,
Chervenak,	Harmuth,	Monks,	Tarr,
Chudoff,	Harris,	Mooney,	Tate,
Cochran,	Heatherington,	Moran,	Taylor,
Cohen, M. M.,	Helm,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Muir,	Thompson, R. L.,
Cooper,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Van Allsburg,
Crooft,	Huntley,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Voldow,
Dalrymple,	James,	O'Mullen,	Wagner,
Dennison,	Jefferson,	O'Neill,	Watkins,
DiGenova,	Jones, G. E.,	Owens,	Weingartner,
Dix,	Jones, P. N.,	Petrosky,	Welss,
Dolon,	Keenan,	Pettit,	Welsh, E. B.,
D'Ortona,	Kenehan,	Polaski,	Welsh, M. J.,
Iuffy,	Kline,	Polen,	Wilkinson,
Early,	Knoble,	Powers,	Williams,
Elder,	Kolankiewicz,	Prosen,	Winnor,
Elliot,	Komorowski,	Rank,	Wood, L. H.,
Ely,	Krise,	Rausch,	Wood, N.,
Falkenstein,	Lee, E. A.,	Readinger,	Woodring,
Finestone,	Lee, T. H.,	Reagan,	Woodside,
Finnerty,	Leisey,	Reese, D. P.,	Wright,
Fisher,	Leonard,	Reese, R. E.,	Yeakel,
Fiss,	Lesko,	Reynolds,	Yester,
Fleming,	Levy,	Rhea,	Young,
Fletcher,	Leydic,	Rooney,	Kilroy, Speaker.
	Lichtenwalter,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 259, Printer's No. 964, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1765, entitled:

An Act repealing and abandoning as a State highway State highway Routes 03123 and 03133 in Armstrong County and providing for the reversion thereof to the townships.

On the question,

Will the House agree to the bill on third reading?

Messrs. HELM and GATES. Mr. Speaker, we ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 2 of title, by striking out the following "Routes 03123 and 03133" and inserting in lieu thereof: "Route 03123".

Amend title, page 1, line 3 of title, by striking out the following "townships" and inserting in lieu thereof: "township".

Amend Sec. 1, page 1, line 1, by striking out the following "Routes 03123 and 03133" and inserting in lieu thereof: "Route 03123".

Amend Sec. 1, page 2, line 7, by striking out the following "are" and inserting in lieu thereof: "is".

Amend Sec. 1, page 2, line 7, by inserting after the word "as" where it appears the second time in said line, the following: "a".

Amend Sec. 1, page 2, line 8, by striking out the word "highways" and inserting in lieu thereof: "highway".

Amend Sec. 1, page 2, line 9, by striking out the following "respective townships" and inserting in lieu thereof: "township".

Amend Sec. 1, page 2, line 9, by striking out the following "they are" and inserting in lieu thereof: "it is".

Amend Sec. 1, page 2, lines 16 to 21, both inclusive, by striking out all of said lines.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objections? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 1216, Printer's No. 986, House Bill No. 1727, Printer's No. 957, and House Bill No. 1728, Printer's No. 958, were passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1217, as follows:

An Act regulating and establishing prevailing wage rates to be used by contractors employed by the Department of Highways in the construction of highways and street paving and imposing certain duties on the Department of Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All contractors employed by the Department of Highways of the Commonwealth in the construction of highways or street paving shall pay their employees according to the prevailing wage rate in the locality in which such work is to be done The determination of such rates shall be based upon the wage rates being paid by contractors in contractual relationship with labor unions or organizations doing similar work within a radius of twenty miles of the locality in which the contemplated work is to be done

In order to carry out the provisions of this act the Department of Highways when asking bids for contract work shall be required to state in their printed specifications such prevailing wage rate for all unskilled semi-skilled and skilled workers to be employed on such projects

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Foor,	Leydic,	Rooney,
Allmond,	French,	Lichtenwalter,	Rose, S.,

Auker,	Gallagher,	Longo,	Rose, W. E.
Baker,	Gates,	Lovett,	Rosenfeld,
Balthaser,	Gerard,	Lyons,	Rush,
Baugher,	Gillan,	Malloy,	Sarge,
Bentley,	Gillette,	Marks,	Sarra,
Bentzel,	Goodwin,	Maxwell,	Schwab,
Boles,	Grocs,	McClanaghan,	Shaffer,
Br'ey,	Gryskewicz,	McClaster,	Shaw,
Bower,	Cyger,	McDermott,	Simons,
Bradley,	Habbyshaw,	McFall,	Skale,
Breth,	Haberlen,	McIntosh,	Snyder,
Bretherick,	Haines,	McKinney,	Sollenberger,
Brunner, P. A.,	Hall,	McLnahan,	Sorg,
Burris,	Hamilton,	McLane,	Stambaugh,
Chervenak,	Hare,	McMillen,	Stine,
Chudoff,	Harkins,	McSurdy,	Stockham,
Cochran,	Harmuth,	Melchiorre,	Tarr,
Cohen, M. M.,	Harris,	Mihm,	Tate,
Cohen, R. E.,	Heatherington,	Modell,	Taylor,
Cooper,	Heim,	Monks,	Thompson, E. F.
Cordier,	Herman,	Mooney,	Thompson, R. L.
Corrigan,	Hersch,	Moran,	Turner,
Croop,	Hewitt,	Moul,	VanAllsburg,
Cullen,	Hirsch,	Munley,	Vincent,
Dalrymple,	Huntley,	Nagel,	Vogt,
Dennison,	Imbrie,	Nunemacher,	Voldow,
DiGenova,	James,	O'Brien,	Wagner,
Dix,	Jefferson,	O'Connor,	Watkins,
Dolon,	Jones, G. E.,	O'Mullen,	Weingartner,
D'Ortona,	Jones, P. N.,	O'Neill,	Weiss,
Duffy,	Keenan,	Owens,	Welsh, E. B.,
Early,	Kenehan,	Petrosky,	Welsh, M. J.,
Elder,	Kilze,	Pettit,	Wilkinson,
Ellott,	Knoble,	Polaski,	Williams,
Ely,	Kolankiewicz,	Polen,	Winnor,
Falkenstein,	Komorowski,	Powers,	Wood, L. H.,
Finestone,	Krise,	Prosen,	Wood, N.,
Finnerty,	Lee, E. A.,	Rank,	Woodring,
Fisher,	Lee, T. H.,	Rausch,	Woodside,
Fiss,	Lelsey,	Readinger,	Wright,
Fleming,	Leonard,	Reagan,	Yeakel,
Fletcher,	Lesko,	Reese, R. E.,	Yester,
Flynn,	Levy,	Reynolds,	Young,
		Rhea,	Kilroy, Speaker

NAYS—8

Boorse,	Cadwalader,	Reese, D. P.,	Serrill,
Brunner, C. H.,	Muir,	Royer,	Trout,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1613, as follows:

An Act authorizing counties cities boroughs towns townships school districts and county institution districts to install a system for the collection and payment of current taxes by the purchase at any time during the fiscal year of tax payment certificates by the taxpayers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any county city borough town township school district or county institution district shall have power to provide by ordinance or resolution for the collection and payment of its taxes by the use of tax payment certificates as herein provided and such method of collection and payment when installed be in addition to any method now or hereafter prescribed by law

Section 2 Such ordinance or resolution shall provide for the printing at the cost of such political subdivision of a suitable number of tax payment certificates in denominations of five dollars (\$5.00) ten dollars (\$10.00) and twenty dollars (\$20.00) Each certificate shall be attached to a stub and all certificates of the same denomination shall be bound together in books of fifty in such manner that each certificate may be detached from the stub and removed separately The stubs of the certificates shall be consecutively numbered and the number which appears upon the stub shall also be printed upon the

certificate Each stub and certificate shall have printed thereon the denomination of the certificate and a place for the name of the person purchasing the certificate and a place for writing an address thereon

Section 3 The taxing authorities shall deliver a suitable number of the tax payment certificates of each denomination to the tax collector receiver of taxes or officer charged with the collection of the current taxes of such political subdivision and receive the written receipt of such person therefor showing the serial numbers of all certificates so delivered

Section 4 The tax payment certificates shall be issued only for the fiscal year during which they are sold and the total issue in any one year shall not exceed the amount of taxes levied or to be levied by the political subdivision for that fiscal year

Section 5 The tax payment certificates may be purchased at any time during the fiscal year for which issued by any taxpayer from the tax collector receiver of taxes or other official authorized by law to collect or receive the current taxes for the political subdivision and the money paid for such certificates shall be credited against the taxes of such political subdivision charged against such purchaser The tax payment certificates so purchased shall be the receipt for the payment of the face amount thereof on the taxes charged against such purchaser but when the final payment of the taxes levied against such taxpayer for any year shall be paid an official receipt shall be given to such taxpayer by the person receiving such payment which shall show the face amount of such years' taxes any penalties or interest added thereto and the fact that such final payment completes the payment in full of such taxes and the penalties and interest if any added thereto Upon the purchase of any such certificate the official from whom purchased shall write or print the name of the purchaser and the address or description of the property on which the tax is charged which is being credited with the amount of such payment on both the certificate and the stub thereof If the tax for which such purchase price is to receive credit is not charged against real estate then the address of the purchaser shall be written or printed on the certificate and the stub thereof

Section 6 The tax collector receiver of taxes or other official selling such tax payment certificates as herein provided shall use the stubs of all certificates sold or receipts for payments on the taxes charged against the purchaser thereof and such stubs shall be accepted as such by the taxing authorities upon the final settlement of the accounts of such tax collector receiver of taxes or other official authorized to collect or receive such current taxes

Section 7 Any printer employed by the authorities of any political subdivision to print any tax payment certificates or any person engaged in printing the same who shall appropriate to himself or deliver or knowingly permit to be taken any of said certificates by any person other than the taxing authorities or their duly authorized agent and any person who shall wilfully print or cause to be printed any tax payment certificates other than the ones ordered and delivered to the taxing authorities shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) or to undergo an imprisonment of not less than three (3) months nor more than one (1) year or both

And said bill having been read at length the third time, considered and agreed to

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Lovett,	Rosenfeld,
Allmond,	French,	Lyons,	Royer,
Auker,	Gallagher,	Malloy,	Rush,

Baker,	Gates,	Marks,	Sarge,
Balthaser,	Gerard,	Maxwell,	Sarra,
Baughner,	Gillan,	McClanaghan,	Schwab,
Bentley,	Gillette,	McClester,	Serrill,
Bentzel,	Goodwin,	McDermott,	Shaffer,
Boles,	Gross,	McFall,	Shaw,
Boney,	Gryskewicz,	McIntosh,	Simons,
Boorse,	Cyger,	McKinney,	Skale,
Bower,	Habbyshaw,	McLanahan,	Snyder,
Bradley,	Haberlen,	McLane,	Sollenberger,
Breth,	Haines,	McMillen,	Sorg,
Bretherick,	Hall,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stine,
Brunner, P. A.,	Hare,	Mihm,	Stockham,
Burris,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenak,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Muir,	Trout,
Cohen, R. E.,	Hersch,	Munley	Turner,
Cooper,	Hewitt,	Nagel	VanAllsburg,
Cordier,	Hirsch,	Nunemacher	Vincent,
Corrigan,	Huntley,	O'Brien,	Vogt,
Croop,	Imbrie,	O'Connor,	Voldow,
Cullen,	James,	O'Mullen,	Wagner,
Dalrymple,	Jefferson,	O'Neill,	Watkins,
Dennison,	Jones, G. E.,	Owens,	Weingartner,
DiGenova,	Jones, P. N.,	Petrosky,	Weiss,
Dix,	Keenan,	Pettit,	Welsh, E. E.,
Dolon,	Kenehan,	Polaski,	Welsh, M. J.,
D'Ortona,	Kline,	Polen,	Wilkinson,
Duffy,	Knoble,	Powers,	Williams,
Early,	Kolankiewicz,	Prosen,	Winner,
Elder,	Komorowski,	Rank,	Wood, L. H.,
Elliot,	Krise,	Rausch,	Wood, N.,
Ely,	Lee, E. A.,	Readinger,	Woodring,
Falkenstein,	Lee, T. H.,	Reagan,	Woodside,
Finestone,	Lelsey,	Reese, D. P.,	Wright,
Finnerty,	Leonard,	Reese, R. E.,	Yeakel,
Fisher,	Lesko,	Reynolds,	Yester,
Fiss,	Levy,	Rhea,	Young,
Fleming,	Leydic,	Rooney,	Kilroy,
Fletcher,	Lichtenwalter,	Rose, S.,	Speaker.
Flynn	Longo,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bil No. 1825, as follows:

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following section of public road shall be adopted by the Commonwealth as a State highway to be constructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing such State highways

Beginning at a point on Route 219 about 0.6 of a mile south of Marsh Creek thence in a general northerly direction through Liberty Township via the village of Blanchard to a point on Route 219 about 0.2 of a mile south of Beech Creek in Centre County a distance of about 1.8 miles

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken as follows, viz:

YEAS—190

Achterman,	Foor,	Lovett,	Rosenfeld,
Allmond,	French,	Lyons,	Royer,
Auker,	Gallagher,	Malloy,	Rush,
Baker,	Gates,	Marks,	Sarge,
Balthaser,	Gerard,	Maxwell,	Sarra,
Baughner,	Gillan,	McClanaghan,	Schwab,
Bentley,	Gillette,	McClester,	Serrill,
Bentzel,	Goodwin,	McDermott,	Shaffer,
Boles,	Gross,	McFall,	Shaw,
Boney,	Gryskewicz,	McIntosh,	Simons,
Boorse,	Cyger,	McKinney,	Skale,
Bowe,	Habbyshaw,	McLanahan,	Snyder,
Bradley,	Haberlen,	McLane,	Sollenberger,
Breth,	Haines,	McMillen,	Sorg,
Bretherick,	Hall,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stine,
Brunner, P. A.,	Hare,	Mihm,	Stockham,
Burris,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenak,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Muir,	Trout,
Cohen, R. E.,	Hersch,	Munley	Turner,
Cooper,	Hewitt,	Nagel	VanAllsburg,
Cordier,	Hirsch,	Nunemacher	Vincent,
Corrigan,	Huntley,	O'Brien,	Vogt,
Croop,	Imbrie,	O'Connor,	Voldow,
Cullen,	James,	O'Mullen,	Wagner,
Dalrymple,	Jefferson,	O'Neill,	Watkins,
Dennison,	Jones, G. E.,	Owens,	Weingartner,
DiGenova,	Jones, P. N.,	Petrosky,	Weiss,
Dix,	Keenan,	Pettit,	Welsh, E. E.,
Dolon,	Kenehan,	Polaski,	Welsh, M. J.,
D'Ortona,	Kline,	Polen,	Wilkinson,
Duffy,	Knoble,	Powers,	Williams,
Early,	Kolankiewicz,	Prosen,	Winner,
Elder,	Komorowski,	Rank,	Wood, L. H.,
Elliot,	Krise,	Rausch,	Wood, N.,
Ely,	Lee, E. A.,	Readinger,	Woodring,
Falkenstein,	Lee, T. H.,	Reagan,	Woodside,
Finestone,	Lelsey,	Reese, D. P.,	Wright,
Finnerty,	Leonard,	Reese, R. E.,	Yeakel,
Fisher,	Lesko,	Reynolds,	Yester,
Fiss,	Levy,	Rhea,	Young,
Fleming,	Leydic,	Rooney,	Kilroy,
Fletcher,	Lichtenwalter,	Rose, S.,	Speaker.
Flynn,	Longo,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bil No. 1178, as follows:

An Act providing that the compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases where the authorities of any political subdivision are authorized by law to fix the compensation of the tax collector thereof or the compensation of the treasurer of such political subdivision acting as tax collector the said authorities shall fix and make public such compensation at least ninety days prior to the election at which such office is to be filled

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	For,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Auker,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Getard,	Marcks,	Sarge,
Baughner,	Gillan,	Maxwell,	Sarra,
Bentley,	Gillette,	McClanaghan,	Schwab,
Bentzel,	Goodwin,	McClester,	Serrill,
Boles,	Gross,	McDermott,	Shaffer,
Boney,	Gryskewicz,	McFall,	Shaw,
Boorse,	Gyger,	McIntosh,	Simons,
Bower,	Habbyshaw,	McLanahan,	Skale,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Bretherick,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stine,
Burris,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chervenak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Mulr,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Munley,	Trout,
Cooper,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor,	Vogt,
Cullen,	James,	O'Mullen,	Voldow,
Dalrymple,	Jefferson,	O'Neill,	Wagner,
Dennison,	Jones, G. E.,	Owens,	Watkins,
DiGenova,	Jones, P. N.,	Petrosky,	Weingartner,
Dix,	Keenan,	Pettit,	Weiss,
Dolon,	Kenehan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kline,	Polen,	Welsh, M. J.,
Duffy,	Knoble,	Powers,	Wilkinson,
Early,	Kolsankiewicz,	Prosen,	Williams,
Elder,	Ko orowski,	Rank,	Winnor,
Elliot,	Krise,	Rausch,	Wood, L. H.,
Ely,	Lee, A.,	Readinger,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reagan,	Woodring,
Finestone,	Lelsey,	Reese, D. P.,	Woodside,
Finnerty,	Leonard,	Reese, R. E.,	Wright,
Fisher,	Lesko,	Reynolds,	Yeakei,
Fiss,	Levy,	Rhea,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy, Speaker
Flynn,			

NAYS—1

McKinney,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1629, as follows:

An Act to further amend sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1286) entitled as amended "An act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the authorization of indebtedness and interest thereon" taking away the power to enter into contracts with private corporations for the furnishing of sewer or sewage treatment services and the imposition and collection of rentals or charges and the entry of liens in connection therewith

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the eighteenth day of July one thousand nine hundred

and thirty-five (P. L. 1286) entitled as amended "An act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the authorization of indebtedness and interest thereon" as amended by the act approved the fourteenth day of May one thousand nine hundred and thirty-seven (P. L. 630) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city borough incorporated town or township either singly or jointly with other municipalities or townships or both has wholly or partially constructed or shall hereafter wholly or partially construct or complete any sewer or sewage system or sewage treatment works either wholly or partially at public expenses or shall have acquired or shall hereafter acquire the same either wholly or partially at public expense or whenever any city borough incorporated town or township shall singly or jointly with other municipalities or townships or both enter into any contract with any authority established in accordance with law [or with any private corporation] for the furnishing of sewer or sewage treatment services or both for its or their benefit and the benefit of the inhabitants thereof such city borough incorporated town or township may provide by ordinance or resolution enacted either before or after the acquisition or construction thereof or the entry into such contract for the imposition and collection of an annual rental or charge for the use of such sewer sewage system or sewage treatment works from the owners of the property served or to be served by it whether such property is located within or without the corporate limits of such city borough town or township

The annual rental or charge so imposed shall be a lien on the properties served and such liens may be filed in the office of the prothonotary and collected in the manner provided by law for the filing and collection of municipal claims

Section 2 Any such annual rental or charge may be such sum as may be sufficient to meet any or all of the following classes of expense (a) the amount expended annually by the city borough incorporated town or township in the operation maintenance repair alteration inspection depreciation or other expenses in relation to such sewer sewage system or sewage treatment works (b) such annual amount as may be necessary to provide for the amortization of the indebtedness incurred or the non-debt revenue bonds issued by the city borough incorporated town or township in the construction or acquisition of such sewer sewage system or sewage treatment works and interest thereon in order that said improvements may become self-liquidating or as may be sufficient to pay the amount agreed to be paid annually under the terms of any contract with any authority [or private corporation] furnishing sewer or sewage treatment services to such city borough town or township and (c) sufficient to establish a margin of safety of ten per centum Any unused surplus from any preceding year shall be paid into the fund accruing from said rentals or charges and whenever the amount in said funds exceeds the said margin of safety of ten per centum the excess shall be paid into the sinking fund The amount required for sinking fund and interest shall be paid into the sinking fund and the amount so paid including any excess as above provided shall not be used for any other purpose The said annual rental or whatever charge shall be decided upon by the city borough incorporated town or township shall be apportioned equitably among the properties served by the said sewer sewage system or sewage treatment works

Section 2 The provisions of this act shall become effective immediately upon final enactment but shall not affect or operate to set aside any contract heretofore entered into by any city borough incorporated town or township either singly or jointly with any private corporation for the furnishing of sewer or sewage treat-

ment services or both nor shall the same affect any liens heretofore filed but no such contract shall be hereafter renewed or extended

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Lovett,	Rose, W. E.,
Allmond,	French,	Lyons,	Rosenfeld,
Auker,	Gallagher,	Malloy,	Royer,
Baker,	Gates,	Maxwell,	Rush,
Balthaser,	Gerard,	Marks,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarra,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Goodwin,	McDermott,	Serrill,
Boles,	Gross,	McFall,	Shaffer,
Boney,	Gryskewicz,	McIntosh,	Shaw,
Boorse,	Gyger,	McKinney,	Simons,
Bower,	Habbyshaw,	McLanahan,	Skale,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Bretherick,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stine,
Burris,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chervenak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helm,	Moul,	Thompson, E.,
Cohen, M. M.,	Herman,	Muir,	Thompson, R.,
Cohen, R. E.,	Hersch,	Munley,	Trout,
Cooper,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor,	Vogt,
Cullen,	James,	O'Mullen,	Voldow,
Dalrymple,	Jefferson,	O'Neill,	Wagner,
Dennison,	Jones, G. E.,	Owens,	Watkins,
DiGenova,	Jones, P. N.,	Petrosky,	Weingartner,
Dix,	Keenan,	Pettit,	Weiss,
Dolon,	Fenehan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kilne,	Polen,	Welsh, M. J.,
Duffy,	Knoble,	Powers,	Wilkinson,
Early,	Kolankiewicz,	Prosen,	Williams,
Elder,	Komorowski,	Rank,	Winnor,
Elliott,	Krise,	Rausch,	Wood, L. H.,
Ely,	Lee, E. A.,	Readinger,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reagan,	Woodring,
Finestone,	Lelsey,	Reese, D. P.,	Woodside,
Finnerty,	Leonard,	Reese, R. E.,	Wright,
Fisher,	Lesko,	Reynolds,	Yeakel,
Fiss,	Levy,	Rhea,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy, Speaker
Flynn,	Longo,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1503. as follows:

An Act to amend section six of the act approved the day of one thousand nine hundred and forty-one (Act No.) entitled "An act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class and on unpaid delinquent poll poor district institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period

preserving certain tax liens and providing for the extension thereof" authorizing the sale of real property within the prohibited time for such sales upon consent of the owner thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the day of one thousand nine hundred and forty-one (Act No.) entitled "An act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class and on unpaid delinquent poll poor district institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period preserving certain tax liens and providing for the extension thereof" is hereby amended to read as follows

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for nonpayment of taxes before November first one thousand nine hundred and forty-one unless the written consent of the registered owner be filed of record in the proceedings and any tax sale shall be adjourned or readjusted or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjusted or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjusted sale or right of redemption No such adjournment or readjustment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale shall subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Lovett,	Rose, W. E.,
Allmond,	French,	Lyons,	Rosenfeld,
Auker,	Gallagher,	Malloy,	Royer,
Baker,	Gates,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarra,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Goodwin,	McDermott,	Serrill,
Boles,	Gross,	McFall,	Shaffer,
Boney,	Gryskewicz,	McIntosh,	Shaw,
Boorse,	Gyger,	McKinney,	Simons,
Bower,	Habbyshaw,	McLanahan,	Skale,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Bretherick,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stine,
Burris,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chervenak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,

Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Munley,	Frout,
Cooper,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor,	Vogt,
Cullen,	James,	O'Mullen,	Voldow,
Dalrymple,	Jefferson,	O'Neill,	Wagner,
Dennison,	Jones, G. E.,	Owens,	Watkins,
DiGenova,	Jones, P. N.,	Petrosky,	Weingartner,
Dix,	Keenan,	Pettit,	Weiss,
Dolon,	Kenehan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kline,	Polen,	Welsh, M. J.,
Duffy,	Knoble,	Powers,	Wilkinson,
Early,	Kolankiewicz,	Prosen,	Williams,
Elder,	Komorowski,	Rank,	Winnier,
Elliott,	Krise,	Rausch,	Wood, L. H.,
Ely,	Lee, E. A.,	Readinger,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reagan,	Woodring,
Finestone,	Lelsey,	Reese, D. P.,	Woodside,
Finnerty,	Leonard,	Reese, R. E.,	Wright,
Fisher,	Lesko,	Reynolds,	Yeakel,
Fiss,	Levy,	Rhea,	Yester,
Fleming,	Levitic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy, Speaker
Flynn,	Longo,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 934, Printer's No. 1037, was passed over at the request of Mr. McCLANAHAN.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

House Bill No. 284.

An Act making an appropriation, from the Motor License Fund, to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

House Bill No. 300.

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania.

House Bill No. 1321.

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

House Bill No. 1334.

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

House Bill No. 611.

An Act providing for the acquisition by the Department of Forests and Waters, in the name of the Commonwealth, of certain lands in Luzerne, Sullivan, and Wyoming Counties, for use as a State Park: making an appropriation for

said acquisition; providing for the management of said property by said department and defining the uses to which the property shall be put.

House Bill No. 1513.

An Act to further amend section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 114), entitled, as amended, "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, corporations, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships, conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," by exempting assets held by liquidating trustees.

House Bill No. 364.

An Act to amend the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents," amplifying the provisions thereof as to persons entitled to such payments.

House Bill No. 1494.

A Supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), as amended, entitled, "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds: imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties."

House Bill No. 1495.

A Supplement to the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employes' Retirement Fund under the Administration of the State Employes' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guaranty by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties."

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION TO ADDRESS HOUSE

Mr. CORDIER asked and obtained unanimous consent to address the House.

Mr. Speaker, on July 23rd and continuing until July 30th of this year, the City of Scranton, my native City—and one of the fairest in the diadem of progressive cities of the Commonwealth, will have a dual celebration of its Diamond Jubilee and the Centennial of its founding. I arise at this time to extend to the Members of the General Assembly a sincere invitation to each and every one of them to visit the City of Scranton during this celebration.

I think it would be a lovely spot for the Members to relax after their six months of arduous duties at the State Capitol. I assure the Members who may wish to attend this momentous occasion in the affairs of the third largest City in the Commonwealth that the citizens of Scranton will lay out the "welcome mat" and furnish the key to the City to each and every one.

If you come, you certainly will find many things of interest within the confines of the City of Scranton. There will be parades, exhibits, historical pageants, sports of all kinds, concerts, in fact—everything that would provide for a well rounded education and entertainment of the average human being. You will be in a vicinity which possesses many fine historical sites in the march of progress of our nation. You will drink from the world's greatest water supply and, for the benefit of the younger Members who may attend, I might say that they will feast their eyes on the most glamorous, the most charming and the most beautiful women to be found anywhere in the world.

And so I say to my weary colleagues who have been burdened with a thousand and one duties in this session of the General Assembly—come to Scranton and let the sincere, hearty and old-fashioned native ingenuity of our people furnish you with the pause and relaxation that will refresh you and clear you of your burdens, your heartaches and your headaches that you may have come into possession of in this session. We want you to come and enjoy yourself.

Recently, this House passed a Resolution congratulating my native City upon this dual celebration—I offer the sincere thanks of the citizens of Scranton for the sentiments expressed in the Resolution and for the unanimous vote by which it passed.

BILL RECOMMENDED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that Senate Bill No. 364, (House Bill No. 1475), Printer's No. 141, entitled:

An Act requiring Receivers of Taxes in and for cities of the first class to furnish certificates of taxes, water rents and claims which are liens on real estate without charge to owners of said real estate or other parties having an interest therein, and limiting the liability of the Receiver for errors in said certificates, and retaining the liens of all unpaid taxes, water rents and claims against such property though the same are not set forth in said certificate, and repealing inconsistent legislation.

be recommitted to the Committee on Cities-First Class for the purpose of further study and possible amendment.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. O'MULLEN, from the Committee on Elections, reported as amended, House Bill No. 602, entitled:

An Act to amend sections eight hundred one and nine hundred seventy-six of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by further defining parties and political bodies; providing procedure for rejection of nomination petitions, papers or certificates in certain cases; imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections, the Secretary of the Commonwealth and the courts.

Mr. SARRAF, from the Committee on Workmen's Compensation, reported as amended, House Bill No. 1481, (Senate Bill No. 236), entitled:

An Act to amend section six hundred fifty-four of article six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising, and consolidating the law; providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for appeals from any classification, rule, rate, or schedule of the Insurance Commissioner affecting insurance of employes and employers under the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto and exempting the State Workmen's Insurance Fund from the control of the Rating Bureau and the Insurance Commissioner.

COMMITTEE MEETING

Banking, Tuesday, June 24, at 10 a. m., E. S. T., in Room 330.

PUBLIC HEARING

There will be a Public Hearing before the Committee on Banking on House Bill No. 1622, Printer's No. 1032 on Wednesday, June 25, 1941, at 10 a. m., E. S. T., in the Old House Caucus Room—3d Floor.

MEETING OF ST. PATRICK'S DAY COMMITTEE

Tuesday, June 24 at 9:15 a. m., Eastern Standard Time, in Room 324. The following members are requested to attend: Harry O'Neill, James O'Dare, James McDermott, James J. Malloy, Matthew T. Knoble, J. P. Moran, Thomas B. Stockham, Herbert P. Gates, John J. Finnerty, Chairman, Thomas J. Callahan, Treasurer, Elmer Holland, Benjamin F. James, Ellwood J. Turner, M. J. Welsh, Martin F. Kenahan, Lawrence P. Keenan, Arthur P. Bretherick, Joseph J. O'Mullen, Tom Griffin, Secretary, John Cummings, Ex. Director.

Very important business for this committee will be

transacted. The Chief Clerk, Treasurer of the St. Patrick's Day Dinner reports: Believe it or not there is a balance in the Treasury. A meeting is called at 9:15 a. m. Tuesday, June 24, in Room 324 for the purpose of making disposition of the balance.

SERGEANT-AT-ARMS BANQUET

New Governor Hotel—Tuesday, June 24, 1941, at 7:30 p. m., Daylight Saving Time.

This is going to be something different where you can let your hair down and have a real time.

This is non-partisan therefore everybody is invited. Republicans and Democrats.

Tickets are \$1.50 including refreshments.

See the Sergeants for your tickets.

The Philadelphia First Term Democratic Members will hold their First Dinner Tomorrow Nite (Tuesday, June 24, 1941, at 7 p. m. sharp, Daylight Saving Time) at the Raleigh Room of the New Plaza Hotel.

The Committee assures all Rookies of a very enjoyable affair.

ADJOURNMENT

Mr. PROSEN. Mr. Speaker, I move that this House do now adjourn until Tuesday, June 24, 1941, at 12 m.

The motion was agreed to, and (at 11:59 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., TUESDAY, JUNE 24, 1941.

No. 76.

SENATE

TUESDAY, June 24, 1941.

The Senate met at 12:00 o'clock, noon, E.S.T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, prayer was offered by the Senator from Berks, Dr. RUTH.

Almighty God, Our Heavenly Father, we come to Thee today with gratitude for life and for its possibilities, as Thou hast again forcibly reminded us today of the uncertainty of our earthly life in the death of Dr. Shaw. We commend his family and friends to Thy tender mercy and pray that we may reexamine our motives for living and that they may be found solely to please thee and to be a blessing unto our fellow man. We ask it in Thy Holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session.

Mr. EALY. Mr. President, I move that the further reading of the Journal be dispensed with.

Mr. GELTZ. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I would like to place on the record the objection that I had yesterday so that it may be known, when the Journal is finally printed that if it is not agreeable with the facts as we understand them, it may be corrected.

The PRESIDENT. The objection of the gentleman from Fayette will be noted, and if it is within the power of the Chair, the gentleman from Fayette will be accorded that privilege.

The motion was agreed to.

LEAVE OF ABSENCE

Mr. Geltz asked and obtained leave of absence for the Senator from Philadelphia, Mr. KEPHART.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being intro-

duced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, June 23, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, June 30, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 30, 1941, at 8:00 o'clock, p. m. (Eastern Standard Time).

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 690, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists on its non-concurrence in the amendments made by the Senate to House Bill No. 690, entitled:

An Act to further amend sections 402, 411, 703, 704, 705 and 903 and to repeal section 706 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled, "Vehicle Code," providing for the registration and fixing registration fees of commercial motor vehicles, truck tractors, trailers and semi-trailers according to gross weight; fixing the maximum gross weight of such vehicles which may be used and operated on the highways; and eliminating existing provisions relating to the chassis of such vehicles;

and has appointed Messrs. E. Welsh, Lovett and Turner, as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

COMMUNICATION LAID ON THE TABLE

Mr. EALY. Mr. President, I move that the communication be laid on the table.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

RESOLUTION RECALLING HOUSE BILL No. 803 FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), That House Bill No. 803, Printer's No. 905, entitled:

An Act to amend section six hundred and forty-three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," prohibiting selling, giving away or permitting or employing minors under eighteen to sing, dance, act or exhibit in dance houses, concert saloons, theatres, places of entertainment, tap rooms, clubs, safes, restaurants or eating houses, where or connected with which, wines or spirituous or malt liquors are sold or given away.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 1017, (HOUSE BILL No. 1820),
RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1017, entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 186) entitled "An act declaring what offices are incompatible" by specifically exempting persons serving in the armed forces of the United States

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended will be noted on tomorrow's Calendar.

SENATE BILL No. 624, (HOUSE BILL No. 1654),
RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 624, entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," increasing the minimum salaries of teachers in school districts of the fourth class and providing for the payment of the whole of such increase by the State for a period of two years

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended will be noted on tomorrow's Calendar.

HOUSE ADOPTS REPORT OF CONFERENCE
COMMITTEE ON HOUSE BILL No. 811

He also informed the Senate that the House has adopted the Report of the Committee of Conference on House Bill No. 811, entitled:

An Act to further amend section three of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture, production, distillation, development use in manufacture denaturization redistillation rectification blending re-

covery re-use holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providnig for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine.

The PRESIDENT. The Report will be noted on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 1259, RECALLED
FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1259, entitled:

An Act creating and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; and imposing certain charges on counties.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended will be noted on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 1022, RECALLED
FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1022, entitled:

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), "Dog Law of 1921," permitting certain dogs to be brought into the Commonwealth for hunting purposes, by holders of non-resident hunting licenses, without securing a Pennsylvania dog license.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended will be noted on tomorrow's Calendar.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis), announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were public read as follows:

House Bill No. 284, entitled:

An Act making an appropriation, from the Motor License Fund, to the Department of Property and Supplies for the payment of the costs incurred by that

Department in acting as purchasing agent for the Department of Highways.

House Bill No. 300, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation, in Elk Township, Warren County, Pennsylvania.

House Bill No. 364, entitled:

An Act to amend the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended 'The Workmen's Compensation Act of 1915,'" amplifying the provisions thereof as to persons entitled to such payments

House Bill No. 611, entitled:

An Act providing for the acquisition by the Department of Forests and Waters, in the name of the Commonwealth, of certain lands in Luzerne, Sullivan, and Wyoming Counties, for use of as a State Park; making an appropriation for said acquisition; providing for the management of said property by said department and defining the uses to which the property shall be put.

House Bill No. 1321, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

House Bill No. 1334, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

House Bill No. 1494, entitled:

A Supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred, twenty-three (P. L. 858), as amended, entitled, "State Employees' Retirement Law."

House Bill No. 1495, entitled:

A Supplement to the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An Act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employees Retirement Fund under the Administration of the State Employees' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties"

House Bill No. 1513, entitled:

An Act to further amend section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled, as amended "State Personal Property Tax Act," by exempting assets held by liquidating trustees.

Senate Bill No. 122, entitled:

An Act to amend subsection (b) of, and to add subsection

(e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale.

Senate Bill No. 151, entitled:

An Act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office, and validating deeds heretofore so executed.

Senate Bill No. 174, entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions, and limitations of certain streets in cities of the second class, and second class A, and third class, as state highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities, and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases, and appropriating money in the Motor License Fund for the purposes of this act" by establishing additional routes in the City of Erie.

Senate Bill No. 213, entitled:

An Act authorizing the Department of Property and

Supplies acting for the Commonwealth of Pennsylvania, to acquire by gift from the owner thereof, Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof; and creating an advisory board to assist in such functions

Senate Bill No. 224, entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

Senate Bill No. 303, entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on certain State highways in cities of the first class.

Senate Bill No. 346, entitled:

An Act to amend section two hundred one and to further amend sections two hundred two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation or calling optional in counties.

Senate Bill No. 419, entitled:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg, in the county of Dauphin, and the borough of New Hope, in the county of Bucks.

Senate Bill No. 486, entitled:

An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution the sheriff shall accept in payment a receipt from such purchaser for

the amount to which he is entitled under the writ subject to certain deductions for costs and priority claims.

Senate Bill No. 566, entitled:

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisalment of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges on real estate.

Senate Bill No. 572, entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the court of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

Senate Bill No. 592, entitled:

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183), entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

Senate Bill No. 599, entitled:

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

Senate Bill No. 345, entitled:

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended "An act creating the Highway Mining Commission, with judicial powers, to have exclusive jurisdiction over the

mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the court of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

Senate Bill No. 655, entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

Senate Bill No. 724, entitled:

An Act to amend section four hundred one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the length of the terms and the method of appointing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 1178, (Senate Bill No. 1274), entitled:

An Act providing that the compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election.

Which was committed to the Committee on Municipal Government.

House Bill No. 1217, (Senate Bill No. 1275), entitled:

An Act regulating and establishing prevailing wage rates to be used by contractors employed by the Department of Highways in the construction of highways and street paving; and imposing certain duties on the Department of Highways.

Which was committed to the Committee on Highways.

House Bill No. 1365, (Senate Bill No. 1276), entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "Vehicle Code" as variously amended; amplifying and changing provisions of said act relating to lighting and signal devices; redefining the term dealer; further regulating dealers in junked vehicles, permits for over-size and overweight vehicles, use of school buses, registration plates and cards, maximum size of vehicles, and medical examinations by physicians; providing for payment of certain fees by counties; limiting and providing new exemptions from the various provisions of said act; giving additional authority to peace officers and department employes in the matter of investigations; further regulating prosecutions; giving certain powers to cities for the regulation of traffic and the establishment of traffic courts; fixing additional fees, changing and imposing new penalties, and giving the secretary additional powers and duties.

Which was committed to the Committee on Appropriations.

House Bill No. 1503, (Senate Bill No. 1277), entitled:

An Act to amend section six of the act approved the day of , one thousand nine hundred and forty-one. (Act No.), entitled "An act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class, on unpaid delinquent school taxes in school districts of the first class, and on unpaid delinquent poll, poor district, institution district and county taxes in counties of the second class; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens, and providing for the extension thereof," authorizing the sale of real property within the prohibited time for such sales, upon consent of the owner thereof.

Which was committed to the Committee on Municipal Government.

House Bill No. 1613, (Senate Bill No. 1278), entitled:

An Act authorizing counties, cities, boroughs, towns, townships, school districts and county institution districts to install a system for the collection and payment of current taxes by the purchase at any time during the fiscal year of tax payment certificates by the taxpayers.

Which was committed to the Committee on Municipal Government.

House Bill No. 1629, (Senate Bill No. 1279), entitled:

An Act to further amend sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286), entitled, as amended, "An act empowering cities, boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the authorization of indebtedness and interest thereon," taking away the power to enter into contracts with private corpora-

tions for the furnishing of sewer or sewage treatment services, and the imposition and collection of rentals or charges and the entry of liens in connection therewith.

Which was committed to the Committee on Municipal Government.

House Bill No. 1825, (Senate Bill No. 1280), entitled:

An Act establishing a certain section of public road as a State highway; and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Fayette will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, during the last few weeks I have been stopped on the streets of Uniontown, Pittsburgh, Harrisburg and other towns of this Commonwealth, by doctors, farmers, business men, laborers and people of many other walks of life. Their protest against certain conditions here at Harrisburg was stern and alarming.

Yesterday the gentleman from Washington, Mr. Reed, called our attention to the ugly rumors and suspicion that attend the presence and activity of lobbyists and political bosses at the railing, on the floor and in the antechamber of this Senate. Even before the echo of the remarks of the gentleman from Washington had died out, and while this body was in full Session, with the President at the rostrum, a burly political bigwig, with all the haughtiness and contempt of a peacock, came racing along the railing and with a sneer of contempt on his face, surged on to the floor of this Senate, through the gate at the right of the President, and there, almost within the reach of the gavel, he took the pose of a monarch with arms akimbo—set, surveying the field of his next conquest. At the nod of his head members of this Senate left their seats and after brief tete-a-tete conversations disappeared through the door of the antechamber to the rear of the President. I neither question the integrity of my colleagues nor the patience and affability with which the President has repeatedly warned against such conduct. I merely raise my voice as an appeal to my colleagues to weigh seriously the ugly suspicions and rumors that conduct of this character can readily engender in the minds of those who see it.

But, Mr. President, this is not the only instance where contemptuous reflections have been cast upon this body by the conduct and activity of non-members. When the "box-car" trucking bill was pending before us, a rich and powerful lobby, backed by powerful political bosses, maintained a constant watch and pressure over the move and powerful lobby, backed by powerful political bosses, showed no regard for the necessary integrity of this body. In open and callous disregard of the integrity of this body and its members, these lobbyists and political bosses contemptuously printed and made public the following circular:

ALLEGHENY COUNTY CHAPTER

PENNSYLVANIA MOTOR TRUCK ASSOCIATION
729 Fort Pitt Hotel, Pittsburgh, Pa. Phone Gr. 2100

DO YOUR PART

H. B. 690 S.O.S. P. M. T. A. is calling for your assistance.

We must not let H. B. 690 (Senate Bill 472) die. You are well aware of the great benefits this weights bill will bring to you in your business. You owe it to yourself and your business to do all within your power to get this bill passed by the Senate. Don't pass the buck and let the other fellow do it. We need your help and the help of the other fellow.

P. M. T. A. sponsored this legislation and have worked night and day to get it along this far. But, you must realize that P. M. T. A. is working for you, and we can not do this big job alone. We need your cooperation and assistance. We need your help in contacting the Senators in Harrisburg and urging upon them the necessity of their support. We need your help in passing the word along. Urge other operators to cooperate. Urge your employees to cooperate. Urge all gasoline dealers, tire dealers, trucks dealers, insurance agencies, and all other enterprises serving highway transportation, to cooperate.

We need your help financially. It takes a tremendous amount of money to stage the battle that is necessary to succeed. We must succeed and we know that you will not let us down. You will do your part in this biggest battle of the trucking industry.

At our meeting held last night on House Bill No. 690, all present showed the fighting spirit we need in this emergency. We point with pride to the following concerns who have so generously offered their assistance financially:

Eves Trucking Co.	\$25.00
Thomas A. Eazor	50.00
Wm. Falconer	25.00
Frank Lilly	25.00
Infantino Transfer	75.00
Federal Truck Sales	50.00
Fruehauf Trailer Co.	50.00
Autocar Sales	75.00
John Weiland	30.00
Superior Trailer	25.00
L. and H. Transportation	25.00
Sloan Noel	25.00
Brockway Motor Co.	25.00
H. J. Kirmeyer	25.00
Cummins Diesel	25.00
Associated Freight Forwarders	75.00
Trutred Tires, Inc.	50.00
Edward Zurcher	25.00
Chas. C. Rosen	40.00
Hannon Transportation	25.00
International Harvester	25.00
Kann Hoffman Agency	25.00
S. R. and Ambrose Clouse	25.00
Harry Werksman	25.00
Helm's New York-Pittsburgh	50.00
Pittsburgh-Eastern	25.00
Beaver Valley Service	25.00
Lightning Local	25.00
Rieck-McJunkin Dairy	75.00
J. Kenny Transfer	25.00
Continental Transportation Lines	50.00
Geisler Transfer	15.00
Horton Motor Lines	25.00
M. and H. Transportation	25.00
North Braddock Motor	50.00
Mack-International Truck	25.00
A. T. A. Service	10.00
R. R. Laraway	5.00
Conte Brothers	25.00
Pitt Ohio Express	10.00
Trans American Freight Line	75.00

Ed. Werner Transfer	25.00
Harrison-Shields	25.00
Standard Motor Freight	25.00
White Motor Co.	25.00
Thomas Smith	10.00
Motor Age Transit Lines	25.00
Aetna Freight Lines	25.00
Abe Kramer	25.00
H. P. Johnson Agency	25.00
Kramer Brothers	25.00
Tobin Transfer	15.00
Genuine Motor Pars	25.00
General Tire Co.	25.00
West End Auto Wreckers	25.00
Dillner Transfer	25.00
Bowers Trucking Co.	25.00

We know that you will want your name added to this list of those who have put their shoulder to the wheel and are bearing their share of the burden. Please make your check payable to P. M. T. A. and mail to 729 Fort Pitt Hotel.

Don't fail to make your contribution—Don't fail to contact your Senators—Don't fail to pass the word along and get the cooperation of other operators and of your employes.

DO YOUR PART

SENATORS FROM ALLEGHENY COUNTY:

Edward R. Frey, 354 Bailey Ave., Pittsburgh, Pa.
 James A. Geltz, Clearview Rd., Franklin Twp., P. O., Ingomar.
 Bernard B. McGinnis, 12 E. North Ave., Pittsburgh, Pa.
 Joseph M. Barr, 619 S. Negley Ave., Pittsburgh, Pa.
 John M. Walker, 359 Penna. Ave., Oakmont, Pa.
 John Fremont Cox, 3815 Main St., Munhall P. O., Homestead.

The contents of this circular is a dastardly and contemptuous reflection upon this body and its members. I do not question the integrity of my colleagues; I merely raise my voice in warning against this notorious reflection upon our integrity.

And these, Mr. President, are not the only reflections cast upon our body by non-members. The free press, that common bawd that always sells its body to the highest bidder, has added contempt and contumely to these reflections. It has printed and disseminated for public consumption the following statement:

"Holland made the charge on the floor of the House that the bill did not move from the Committee until the truckers put on a \$25,000 spread for the legislators at Harrisburg.

"Members of the legislature were guests at a dinner arranged by the truckers' interests in Harrisburg several weeks ago which was quite lavish in its appointments.

"A nationally known radio commentator was brought to Harrisburg to broadcast for the group and a special stage show was imported from New York.

"It may not have cost \$25,000, but it was not a cheap party.

"Members of the Allegheny County Democratic delegation first expressed opposition to the bill.

"Then, on March 28th, they voted to insist on a public hearing on the trucking bill in the House.

"On that same night, the Allegheny County Democratic legislators were invited to attend a stag party of the Allegheny County Chapter of the Pennsylvania Motor

Truck Association at the Fort Pitt Hotel, and many of the Assemblymen attended."

Mr. President, the reflection contained in this newspaper item is contemptuous. I do not question the integrity of my colleagues; I merely raise my voice against any complacency to these reflections.

Members of this Senate, are you going to remain complacent in the face of these contemptuous reflections upon your integrity? Are you going to vindicate the venerable dignity of this body by invoking the constitutional powers in your hands for that purpose? Are you going to summon before your Bar these lobbyists and political bosses, and here, under the penalties in your hand, require them to purge themselves of these contemptuous reflections? Are you going to summon to your Bar under your constitutional powers the officers and agents of the Pennsylvania Motor Truck Association Incorporated, and here require them to divulge the magnitude of the tremendous amount of money and the wherefor and manner of its expenditure, in pursuance of their contemptuous reflection? Are you going to summon to your Bar the newspapers and their writers and here require them to absolve themselves of the contemptuous reflection cast upon you and this body?

Mr. President, in the words of the poet:

"Truth forever on the scaffold,
 Wrong forever on the throne,
 Yet the scaffold sways the future
 And behind the dim unknown
 Standeth God within the shadow
 Keeping watch above his own."

Members of this Senate, I can not guide your minds, I can not guide your tongues, and I can not formulate your judgments. The integrity of this body and its members is my sole concern. To its preservation I shall marshal my mind, my tongue and my judgment. This I propose and I will do under the sovereign prerogatives that are mine by virtue of my election and oath of office pursuant to the Constitution of this Commonwealth.

QUESTION OF PERSONAL PRIVILEGE

MR. MUNDY. Mr. President, I ask the indulgence of the Senate to speak briefly on a question of personal privilege.

The PRESIDENT. The gentleman from Luzerne may proceed.

MR. MUNDY. Mr. President, the Senator from Fayette, in his address today, referred to remarks made in the House by Representative Holland, but the Senator forgot to go into full details about this talk on the part of Mr. Holland before the House. He forgot to say that at a later date, Mr. Holland asked and received permission to address the House, and made the following statement, as shown at page 1177 of the Legislative Journal of the House, April 7, 1941:

"PERMISSION TO ADDRESS THE HOUSE

"Mr. HOLLAND asked and obtained unanimous consent to address the House.

"Mr. Speaker and members of the House, in the heat of debate in this House, sometimes are made, from time to time, statements which are misinterpreted, sometimes deliberately, and sometimes unintentionally by the press and others. I have in reference a statement

made by me in the heat of the argument last Tuesday, April 1st, on a bill to increase the weights of trucks.

"I stated in debate that the bill was not reported out by the House Motor Vehicle Committee until after a \$25,000.00 words spread was held in Harrisburg. Of course, in the heat of a debate, sometimes figures are exaggerated, but I do want to convey to this House that this amount mentioned, was not mentioned in a way that anyone would infer that money was actually passed out among Members of this House.

"I spoke about a banquet that is held by the Pennsylvania Motor Truck Association and has always been held in the four sessions that I have attended this House. But it seems that some of the papers have written up the statement to insinuate that some of the Members of this House have secured actual cash.

"I did not in any way attack the integrity or the honesty of any Member of this House, whether he be Republican or Democrat, and I want to clear up this impression that has been given to the public.

"We may differ on bills and legislation, but I have faith that the Members of this House have that difference based on their own convictions, and are not influenced by any banquet that may be given.

"I am convinced that no Member of this House was given any cash consideration or anything else of value for the purpose of influencing their vote on this legislation, and I am surprised that anyone would have construed my statements to so mean."

Mr. President, the above statement was issued by a member of the House after having been mildly rebuked by members of his party, and I am asking or requesting that those remarks as read from the Legislative Journal be placed in the records immediately after the speech made today by the Senator from Fayette, Senator Cavalcante, so that the members of both the House and the Senate may be able to contrast the difference in conduct between the members of the Senate and the members of the House.

Mr. CAVALCANTE. Mr. President, I join in the request of the gentleman from Luzerne, Dr. Mundy.

The PRESIDENT. If there is no objection, the request of the gentleman from Luzerne will be granted.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Warren will state his question of personal privilege.

WHAT IS WRONG WITH THE UNITED STATES

Mr. CHAPMAN. "All the armies of Europe, Asia and Africa combined, with all the treasures of the earth in their military chest, our own excepted—with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of 1000 years. At what point then is the danger to be expected? I answer, if it ever reaches us it must spring up among us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher."

Those words, so forcibly expressed, are not those of a Lindbergh, Nye or Wheeler, but of Abraham Lincoln. The Great Emancipator envisioned the dangers that are

threatening our land when there is discord and disloyalty tearing at the vitals of the country. He saw clearly that if there is harmony in the land, if the programs espoused by the government are supported wholeheartedly by the people there is little danger.

The discordant elements in our nation today are a danger. Small blocs, some of them composed of honest but misled men and women, but mostly composed of groups financed from abroad are having an effect. While there is unity of a greater portion of the people there are groups that are causing great harm. In them are disgruntled labor leaders, Reds who intrude in high places, "ism" mongers who spread thought that does harm and prevents the best effort of many in preparing for defense.

Months ago America published to the world by the action of its Congress and Commander-in-Chief its position in world affairs. It proclaimed that "Hitler and all that he stands for must go." To that end our efforts are pledged and our word is given. Those who now oppose this plan are harming the nation and are, in plain words, antagonists of our government. They are threatening the safety of our institutions, our homes and our firesides. We have pledged an "All Out" effort to save the world from being overrun by as mad a mob as Attila the Hun ever assembled.

However, within the ranks of a Democracy such as ours, there has always been discordant groups, in the face of every national emergency. At the time the United States achieved its freedom, there were Tories who were secretly aiding and fostering the enemy; in the Civil War there were groups of southern sympathizers that many times gave warnings that nullified plans of the Northern leaders. But each time, as the contest grew, the discord died out and unity sufficient for success of the task developed. And some observers at present see more unity in the country than ever before in peace time.

To my mind, one of the greatest elements in the strengthening of National unity is the summoning to the Stars and Stripes of over a million of men. With a son, brother, husband or other relative in the uniform of the Army and Navy, home efforts to sustain them grow.

Early next month the boys who have reached the age of 21 since the draft will register for service. I feel that with this group made eligible for service, the home efforts will be redoubled. These are boys. As a father, I know that until a fellow is 21, he is classed as a youth, and after he passed 21 he is a boy. Aye and how boyish they are! Have you noted on our streets in Harrisburg, the Flying Corps Cadets? Sort of grips a fellow, doesn't it, to see them, pink cheeked, slight of body, clear of eye and smiling the smile that only the young fellows have. Mother's son, every one!

How could anyone, possessed of anything but a heart of steel, refuse to work endless hours to give to these boys the machines of war which they are being taught to use? Could anyone be so heartless as to send them, poorly equipped, against a foe? Last week the shipbuilders of the eastern coast won the plaudits of the Nation by their public statement that for three years there will be no labor trouble in their ranks and all disputes will be settled by arbitration. What an example to the west coast group that is holding out and refusing to go back to work.

And in spite of the interference which has assailed the defense program, we have accomplished much in the first

year of our defense production program. It is claimed that no Nation has ever done so much in such a short space of time.

Our army has grown from 201,000 to 1,324,800 men.

Our navy has increased from 146,000 to 242,000. Eleven new combat ships have been completed and the number of ships under construction increased from 77 to 361. We are now building 764 merchant ships.

Our tank production is just getting under way. Already 1200 light tanks (from nine to fifteen tons) have been delivered, and five a day are coming off the assembly lines. Three companies have completed their pilot tanks and are now turning to their assembly lines. Larger tanks are still in the blue print stage.

Powder production has increased 1000 per cent within the year. Nine big plants either are producing or will be within 30 days.

Shells are coming out at the rate of half million per month and added plants will soon be making that number look small. Small arms ammunition production has increased over 1200 per cent.

Guns are growing in number. From big plants in Detroit where the setting of machines has been rushed, there will soon be turned out big guns which now are only coming from the government arsenals. Anti-aircraft guns are growing slowly and will soon be in large production. Only 570 of these guns are now in the United States Army.

There are 32,750 plants now turning out defense equipment of which 1,500 are new plants built and designed for speed in making of war supplies. All are not now in production, but they will be before the first of the new year.

With all of this effort behind them, and with a growing spirit of unity, I can vision a fighting machine composed of the finest, most intelligent boys in the world, ready to give their all for the nation. The Pennsylvania Council of National Defense is asking that when registration day for the Boys of 21 rolls 'round, that every flag in the state be unfurled, that demonstrations be held and the whole state pay tribute to these strong young lads.

As I see it this registration of the boys who have attained their 21st birthday is the climax to an effort to enlist the entire nation in an army that will battle to repel the ideology of the dictators who would have us believe that Democracy is dead. Such a thing as dragging youths of 16 and 17 into the army at bayonet point; the conscripting of young women to work in the fields and in work camps; the forcing of money by methods that resemble the old inquisition are features not to be found in our land. Ours is a nation where love of home, protection of the fireside and the principles for which our forefathers fought and died, are the incentive to lay down, for a time, the implements of peace to take up the accouterment of war.

Hail to the effort our Nation is making, the one Nation where love, not hate, is the actuating cause of taking up our arms!

PERMISSION TO ADDRESS SENATE

Mr. DENT. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Westmoreland will proceed.

Mr. DENT. Mr. President, I hesitate to rise at this

time, since we have spent quite a bit of time listening to speeches. However, I believe it important some answer should be made to the charges made last week by the gentleman from Jefferson, Senator Henry I. Wilson, relative to the possibility of non-passage of the unemployment compensation bill. In his talk last week, Senator Henry I. Wilson referred to the attitude and the activities of labor, both the C.I.O. and the A. F. of L. and the Democratic Party as such.

I want to say that unlike the gentleman from Jefferson, I did not plead to be named on the conference committee. In fact, I have asked my Floor Leader to see to it that I was not put on the committee, for I believe

that anybody who has dealt with the subject as much as the Senator from Jefferson and myself, who have studied it for the last two years, in a commission that was designated to study that particular subject, I believe that we become prejudiced in our ideas and biased in our opinions. I believe that this subject is so important that the only persons to serve on that conference committee should be men who will look at the subject from a clear viewpoint, look at it from a practical viewpoint, as to what is best and most needed for the State of Pennsylvania at this time. Therefore I have asked my Floor Leader not to put me on the conference committee, and I believe that the Senator from Jefferson should also refrain from becoming a member of that committee, for those of us who have known him for a number of years and have heard his statements on the Senate floor, know he will be prejudiced in his actions on that conference committee, and we may lose an important piece of legislation. I do not deny that the gentleman has worked long and hard in an endeavor to do what he thinks is right in the matter of unemployment compensation, but I disagree with him fundamentally. He believes that the next move in unemployment compensation amendments should be to reduce the amount of taxes paid by the employer. I believe the next move made should be to increase benefits, a grater week period and a lower waiting period for the recipient of unemployment compensation.

I want to say to all of the members of the Senate this question is one that goes deeper than purely partisan politics, and although the gentleman from Jefferson last week devoted much time and much effort excoriating the Democratic Party, I shall refrain from so doing to the Republican Party. I do not think it is a question of partisan politics at all; I think it is a matter in which every Senator here is vitally interested and one that requires that every Senator give it an honest and non-partisan study in order that some law will be passed that will benefit the greater number.

Mr. President, I have here a signed statement, in answer to the gentleman from Jefferson, signed by both John A. Phillips, president of the State Industrial Union Council, representing the C. I. O., and James L. McDevitt, president of the State Federation of Labor, and with the permission of the Senate I would like to read it into the record of the Senate at this time.

The PRESIDENT. If there is no objection, the gentleman from Westmoreland may proceed.

"LABOR'S REPLY TO SENATOR HENRY I. WILSON'S ADDRESS ON UNEMPLOYMENT COMPENSATION

"John A. Phillips, President State Industrial Union

Council, and James L. McDevitt, President State Federation of Labor, join in the following statement defining labor's position with regard to Unemployment Compensation:

"In an address delivered in the State Senate on Wednesday, June 18, 1941, Senator Henry I. Wilson raises the question as to where labor stands with regard to Senate Bill No. 80, as amended by the House.

"Labor representatives were invited to appear before the Joint State Legislative Commission and the Joint Legislative Committee on Unemployment Compensation, to discuss matters declared to be non-controversial.

"Whenever points were raised on which labor had its own opinion, it was made evident that these points would be brought together for separate action.

"This was subsequently done when the representatives of labor, both of the Industrial Union Council and Federation of Labor, drafted a bill embodying the proposals resulting from their many years' study of Unemployment Compensation.

"Drafts of the bill were presented at the same time to leaders of the Republican and Democratic parties.

"In the House the bill, No. 868, referred to Committee on March 18, was favorably acted upon by a vote of 139 to 44.

"In the Senate the bill, No. 380, was first referred to the Labor Committee on March 19, reported out, May 28, only then to be referred to the Workmen's Compensation Committee, of which Senator Henry I. Wilson himself is chairman.

"Neither that bill nor its House duplicate, No. 868, which was passed by the House, has been reported out of Senator Wilson's committee.

"In the meantime Senate Bill No. 80 was passed by the Senate and sent to the House. There the benefit features already acted upon favorably by the House in No. 868 were embodied in the Senate Bill. The bill then passed the House by the almost unanimous vote of 146 to 10.

"These benefit provisions represent the long years of study labor has given to the important subject of Unemployment Compensation.

"Impartial and searching examination by members of the General Assembly of these provisions will commend them as sound, conservative and desirable. Labor feels sure of this result, and offers substantial support for this opinion."

"Early as January, 1940, Arthur J. Altmeyer, Chairman of the Federal Social Security Board had this to say: 'If the objectives of unemployment compensation are to be achieved there is no doubt that first and foremost benefits must be liberalized. Liberalization would result in more adequate benefit payments to individual workers and in larger total disbursements at the downswing of the business cycle.' (Social Security Bulletin, January, 1940).

"Chairman Altmeyer, in his article, advocates this program: '1. The waiting period should be reduced to 1 week. 2. A higher minimum benefit should be provided. 3. The benefit rate should be increased. 4. The duration of benefits should be lengthened. 5. Partial unemployment benefits should be paid. 6. The eligibility and disqualification provisions should be re-examined.'

"Latest statement, just issued, by Chairman Altmeyer, reaffirms the conclusion of the Federal Social Security Board that 'benefits paid are inadequate'.

"Pennsylvania, unlike some other States, happens to be in the fortunate position that collections from the Federal tax for unemployment compensation far exceed expenditures being made for benefits.

"As a consequence the balance in the Federal Treasury keeps mounting. This money could and should be spent in Pennsylvania for 'more adequate benefit payments.'

"Reasons for such better benefits are: 1. Cut down expenditures for State relief and so lower States taxes. 2. Employables eligible for compensation have to report to Federal-State Employment Office for placement and would therefore diminish the number on relief. 3. Guard consuming power and stabilize business where dislocations occur because of priorities for defense. 4. Prepare for change from present intense production in defense industries to the downswing of the business cycle.'

"Receipts are from the uniform Federal Tax which applies to all States, those whose collection is inadequate, because of circumstances beyond their control, as well as those States, among these Pennsylvania, where the collection permits better payments which would benefit the State.

"Labor has been most solicitous for the solvency of the State fund resting in the Federal Treasury. Proposals for changed benefits are altogether conservative.

"Senate Bill No. 80, as amended, contains these provisions. Most exact estimate is that they will not take as much as \$17,000,000 out of the present handsome annual balance. To be on the safe side, the round figure of \$20,000,000 is used.

"1940 balance was something under \$42,000,000. It is thus seen that considerably more than half of that balance, on the basis of last year's figures, would be added to the State reserve now in the Federal Treasury, which at the end of last year was already \$150,000,000.

"From all accounts Pennsylvania, so largely 'the arsenal of democracy' will continue for several years to place more thousand of unemployed into jobs, swelling the collection from the Federal Tax. On the other hand, depletion of the lists of unemployed will reduce the sum taken out of the Federal Treasury for benefits. Consequently, making due allowance for the better benefits the \$150,000,000 which was in the reserve at the first of 1941 should readily pass \$200,000,000. That insures a mighty handsome bulwark to alleviate any possible business slump and smooth the connection between industrial production and public consumption.

"Labor joins with the merchants, manufacturers, farmers, industry and business in general, in urging that Pennsylvania money, now sterile in the Federal Treasury, be put to work in Pennsylvania.

"There is no other way for this to be accomplished than by better benefits through amendment of the Pennsylvania Unemployment Compensation Act.

"Senate Bill No. 80 is now before the Senate and House for final decision. The bill protects the standing of those who are called into the military and naval service of our country—and extends a helping hand to their families, especially where the misfortune of unemployment befalls.

"The bill also carries many desirable improvements in the administration of the act, to plug holes which were overlooked in the past and which experience warrants.

"Many other commendable features can be found in the bill which should appeal from the practical standpoint of

encouraging employment and which conform with labor's attitude that 'the only cure for unemployment is employment'.

"Labor has confidence that when the Conference Committee of Senate and House meet and impartially weigh the merits of the benefit features now embodied in Senate Bill No. 80, that they will concur and make it possible for Pennsylvania materially to improve its Unemployment Compensation Act."

JOHN A. PHILLIPS, President
State Industrial Union Council
JAMES L. McDEVITT, President
State Federation of Labor

REPORT FROM COMMITTEE

Mr. WOODWARD, from the Committee on State Government reported as amended, Senate Bill No. 513, entitled:

An Act creating a commission to be known as the Pennsylvania Board of Tax Appeals; defining in part the powers and duties of such commission; abolishing the Board of Finance and Revenue of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Board of Tax Appeals the records, employes, property, and equipment of the Board of Finance and Revenue; authorizing the Pennsylvania Board of Tax Appeals to appear in and complete all pending proceedings, instituted before, by or against the Board of Finance and Revenue; providing that all decisions, orders, and rules and regulations of the latter board shall remain effective until repealed, changed or modified by the Pennsylvania Board of Tax Appeals, and transferring and appropriating to the Pennsylvania Board of Tax Appeals any unexpended balance of any existing appropriation to the Board of Finance and Revenue.

BILL INTRODUCED

Mr. WOODWARD. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD read in place and presented to the Chair Senate Bill No. 1281, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Public Health, reported as amended, Senate Bill No. 580, (House Bill No. 405), entitled:

An Act to amend section three of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by providing, that student apprentices shall receive credit toward their apprenticeship for time spent in military training, not exceeding one year.

Mr. MALLERY, from the Committee on Law and Order, reported as amended, Senate Bill No. 1185, (House Bill No. 716), entitled:

An Act to further amend sections three and ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 284) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" by prescribing malt beverage tax rates for certain original containers or standard fractions thereof and providing for refunds of tax for malt or brewed beverages sold to commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy

Mr. FARRELL, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1264, (House Bill No. 1370), entitled:

An Act to amend section eighteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," further regulating the removal, discharge or reduction in pay or position of officers, clerks and employes in the classified civil service.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 937, (House Bill No. 11), entitled:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth establishing the "Pennsylvania Board of Parole" conferring and defining its jurisdiction duties powers and functions including the supervision of persons placed upon probation in certain designated cases provided for the method of appointment of its members regulating the appointment removal and discharge of its officers clerks and employes dividing the Commonwealth into administrative districts for purposes of parole fixing the salaries of members of the board and of certain other officers and employes thereof making violations of certain provisions of this act misdemeanors providing penalties therefor and for other cognate purposes and making an appropriation.

Mr. EDMONDS, from the Committee on Finance, reported as amended, Senate Bill No. 1199, (House Bill No. 1420), entitled:

An Act to amend the act approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended, by imposing the tax upon personal property held and managed in this Commonwealth, owned, held or possessed by residents as trustees, agents, or attorneys-in-fact jointly with one or more trustees, agents, or attorneys-in-fact domiciled in another state, and by imposing the tax upon equitable interests of residents in personal property held and managed in another state, where the legal title to such personal property is held by more than one trustee, agent or attorney-in-fact, one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth and exempting casualty insurance companies having no capital stock from the tax imposed by this act.

REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 404.

Mr. WALKER, from the Committee on Conference, presented a report on House Bill No. 404, entitled:

An Act relating to marriage; and amending, revising consolidating and changing the law relating thereto.

The PRESIDENT. The report of the Conference Committee will be noted on tomorrow's Calendar.

Mr. WALKER. Mr. President, in presenting this report of the Conference Committee on House Bill No. 404, which is the Marriage Code, the members of the Senate will recall there were some printer's errors in the former report, and this is a corrected report.

Mr. REED. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Walker.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. I will, Mr. President.

Mr. REED. Mr. President, in Senate Bill No. 404, will the gentleman from Allegheny state whether there have been any changes made since it passed the Senate?

Mr. WALKER. Mr. President, a former report of the Conference Committee was made. Do I understand the gentleman from Washington desires to know what changes were made in the bill after it left the Senate?

Mr. REED. Yes, Mr. President.

Mr. WALKER. Mr. President, the changes made by the Conference Committee are contained on page fifteen of the bill. The bill originally, in section thirteen, merely provided that common law marriages were null and void in Pennsylvania. In the committee of the House there were certain exceptions placed in the bill and on the floor of the House those exceptions were stricken from the bill. When the bill came over to the Senate, those restrictions were again placed in the bill, by striking out the House brackets, and the bill went over to the House with those exceptions back in the bill.

The Conference Committee, after talking with a number of so-called marriage experts, replaced the brackets which had been placed around those exceptions in the House and struck those exceptions from the bill, so that section thirteen, as it now appears in the Conference Report, is identical with section thirteen as it left the House.

The other Senate amendments, which were minor, were the elimination of notaries public from the act, as those who could take affidavits for marriage licenses. They were placed in by the House and stricken out by the Senate, and were kept out by the Conference Committee, and I therefore have submitted a report of the Conference Committee so that it may be printed and placed at the disposal of the members of the Senate.

Mr. JASPAN. Along the same line, Mr. President, I desire to interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. Gladly, Mr. President, at any time.

Mr. JASPAN. Mr. President, am I to understand from the gentleman from Allegheny that the Conference Committee consulted marriage experts?

Mr. WALKER. We did, Mr. President.

Mr. JASPAN. Mr. President, has the committee consulted Peggy Joyce

Mr. WALKER. Mr. President, being great believers in

Pennsylvania products, we stuck strickly to those who were experts in Pennsylvania.

Mr. JASPAN. Are there any experts in Pennsylvania, Mr. President?

Mr. WALKER. That question was directed to the Chair, not the gentleman from Allegheny.

Mr. JASPAN. It is directed to the gentleman from Allegheny, Mr. Walker.

Mr. WALKER. Mr. President, as the gentleman from Philadelphia well knows, the definition of an expert is a gentleman who knows nothing about a subject and talks very fluently on it.

REPORTS FROM COMMITTEES—

Mr. WALKER, from the Committee on Finance, reported as amended, Senate Bill No. 1097, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws 292) entitled "An act to provide revenue by taxation," by redefining the base for taxation of shares of stock of banks and savings institutions, and by increasing the rate of tax for a further limited period of time.

He also, from the Committee on Finance, reported as amended, Senate Bill No. 1096, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred and seven (Pamphlet Laws 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by basing the tax upon the book value of the shares; continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1246, (House Bill No. 1771), entitled:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce annulment of marriage adoption and annulment of adoption proceedings providing for the registration of such certificates by the said department the issuance of certified copies thereof and fixing fees and penalties.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 861, (House Bill No. 1036), entitled:

An Act to amend subsection (b) of section sixteen of the act, approved the seventh day of June, one thousand

nine hundred and seventeen (P. L. 429), entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor," by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent, the natural parent shall retain his or her status as such, and shall, for purposes of inheritance and devolution, be regarded as an adopting parent.

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 1241, (House Bill No. 1719), entitled:

An Act to add clause (k) to section two thousand one hundred two and to repeal clause (d) of section two thousand one hundred ten of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health to conform with the provisions of the Public Utility Law.

Mr. THOMAS, from the Committee on County Government, reported as committed, Senate Bill No. 1118, (House Bill No. 687), entitled:

An Act to further amend the title and section one of the act approved the third day of May, one thousand nine hundred and nine (P. L. 424), entitled "An act providing that in all counties having more than five hundred thousand inhabitants, advertisements and notices, required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, shall be published in the legal newspapers, issued at least weekly, of the proper county, designated by rules of court for the publication of court or other legal notices," as amended, extending the provisions of the said act to counties of the sixth class.

He also, from the Committee on County Government, re-reported as committed, Senate Bill No. 468, (House Bill No. 70), entitled:

An Act to amend section seven hundred three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," by providing for the compensation paid to township commissioners

He also, from the Committee on County Government, reported as committed, Senate Bill No. 863, (House Bill No. 1172), entitled:

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine

(P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by empowering counties to acquire real estate by lease, purchase, or gift, for use as fairground; authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fairgrounds, including the appropriation of funds, joint action with other political subdivisions, the levy and collection of taxes, the creation of county fair boards, and the acceptance of State contributions.

He also, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 1224, (House Bill No. 1013), entitled:

An Act to repeal section five of the act approved the fourth day of May one thousand nine hundred and five (P. L. 385) entitled "An act creating the Water Supply Commission of Pennsylvania defining its duties fixing the scope of its authority and powers and making an appropriation for the payment of the salaries and expenses connected therewith" prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission.

He also, from the Committee on Municipal Government, reported as amended, Senate Bill No. 1116, entitled:

An Act to further amend section two thousand one hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled, "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by providing as to the hours of service of certain regularly employed drivers and firemen of volunteer fire departments, having ten or more drivers in cities of the third class, where such persons are paid directly or indirectly by the city or by granting gratuities to the respective volunteer companies.

Mr. TAYLOR, from the Committee on State Government, reported as committed, Senate Bill No. 1109, (House Bill No. 957), entitled:

An Act to amend the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employes' retirement system in counties of the third class and imposing certain charges on counties" extending and further regulating such retirement systems

He also, from the Committee on State Government, reported as committed, Senate Bill No. 883, entitled:

An Act to enlarge the powers of the Navigation Commission for the Delaware River and its navigable tributaries with respect to the maintenance, operation and financing of a nautical school for the Commonwealth of Pennsylvania.

Mr. DENT, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 1270, (House Bill No. 1661), entitled:

An Act to amend section three of the act approved the tenth day of May one thousand nine hundred and thirty-nine (P. L. 111) entitled "An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing cer-

tain laws" providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

Mr. REED, from the Committee on State Government, reported as committed, Senate Bill No. 1121, (House Bill No. 909), entitled:

An Act to further amend section three hundred three of and to add section three hundred seven to the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by providing for the appointment of assistant managers in Pennsylvania Liquor Stores; and by establishing minimum salaries for certain employees of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores.

Mr. FREY, from the Committee on State Government, re-reported as committed, Senate Bill No. 769, (House Bill No. 1194), entitled:

An Act to amend sections two and three of the act approved the eleventh day of May, one thousand nine hundred and eleven, (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended, by providing for the issuance of certificates of approval for weights and measures of county, city, and borough sealers.

Mr. COLEMAN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1217, (House Bill No. 1798), entitled:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

Mr. RUTH, from the Committee on Law and Order, reported as committed, Senate Bill No. 1229, (House Bill No. 1286), entitled:

An Act relative to the employment of females in hotels taverns saloons and eating houses for the mixing or sale of alcoholic drinks and the penalty for violation thereof

Mr. THOMAS B. WILSON, from the Committee on State Government, reported as committed, Senate Bill No. 736, entitled:

An Act to amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers there-

of, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers; fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined," as amended, by adding subsection (d) authorizing departments, boards, or commissions to grant easements or rights of way upon, across, over, under or along lands of the Commonwealth, under certain conditions, in the interest of National Defense.

Mr. CRIDER, from the Committee on State Government, reported as committed, Senate Bill No. 1237, (House Bill No. 1643), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for the manner of payment of escheator's fees informant's commissions and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat designating the funds to which such moneys shall be credited and making an appropriation.

Mr. STIEFEL, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 971, (House Bill No. 1083), entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1191, (House Bill No. 361), entitled:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capitol City.

He also, from the Committee on Appropriations, re-

ported as committed, Senate Bill No. 1249, (House Bill No. 1827, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters and for the landscaping thereof.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1242, (House Bill No. 1721), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire a certain tract of land for the use of Pennsylvania Industrial School and making an appropriation therefore.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1190, entitled:

An Act making an appropriation to the Department of Public Instruction for the cost of improving, repairing, operating and maintaining the Thaddeus Stevens Industrial School at Lancaster, Pennsylvania.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 24, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, June 24, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

DAUPHIN COUNTY

Miss Clara V. Howard, Harrisburg.

McKEAN COUNTY

Miss Maude A. Critchlow, Hamlin Twp., Kushequa.

NORTHAMPTON COUNTY

Miss Orpha E. Dieter, Lehigh Twp., Cherryville.

Edward J. Fox, Jr., Easton.

Miss Esther V. Hommer, Palmer Twp., Taylor-Wharton Iron and Steel Company, Easton.

Miss Anna C. Schmehl, Bethlehem.

PHILADELPHIA COUNTY

William S. Kleiman, Phila., 838 Snyder Ave.

Joseph L. Moskovitz, Phila., 518 Fairmount Ave.

WASHINGTON COUNTY

Joseph Sitte, Charleroi.

PHILADELPHIA COUNTY

Mrs. Ruth A. McKay, Phila., Wayne and Roberts Aves.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 24, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Edith M. Wall, 1608 Walnut Street, Philadelphia, for appointment as a Notary Public in and for the City of Philadelphia, Philadelphia County, for a term of four years to compute from the date of confirmation.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Barr,	DiSilvestro,	Letzler,	Stiefel.
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Reed,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Deitrick,	Jaspan,	Stevenson,	Woodward,
Dent,	Lantus,		

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

RESOLUTION RETURNING HOUSE BILL NO. 107 TO THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur) That House Bill No. 107, Printer's No. 742, entitled:

An Act to amend section eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of High-

ways shall be free bridges from the effective date of this act or from the date they are so acquired.

which was recalled from the Governor, June 6th for the purpose of amendment, be returned to the Governor without amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING HOUSE BILL NO. 1513 FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 24, 1941.

Resolved, (if the Senate concur) that House Bill No. 1513, Printer's No. 797, entitled:

An Act to further amend section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled, as amended "State Personal Property Tax Act," be exempting assets held by liquidating trustees.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. REED read in his place and presented to the Chair, Senate Bill No. 1282, entitled:

An Act making an appropriation to the California State Teachers College, for the purchase of lands needed for the better operation of such college.

Which was committed to the Committee on Appropriations.

Mr. CHAPMAN read in his place and presented to the Chair, Senate Bill No. 1283, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Warren.

Which was committed to the Committee on Highways.

Mr. EDMONDS read in his place and presented to the Chair, Senate Bill No. 1284, entitled:

An Act to further amend section four of the act, approved the thirteenth day of May, one thousand nine hundred nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," providing that certificates of registration shall not be issued to corporations, copartnerships or associations which uphold, practice, teach or advocate the overthrow of democratic form of government or are in any other way engaged in any subversive activity.

Which was committed to the Committee on Judiciary General.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 2:30 o'clock, p. m. E. S. T.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. CROWE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE, from the Committee on Military Affairs reported as committed, Senate Bill No. 1151, (House Bill No. 1488), entitled:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States, during a national emergency under licenses or registrations issued by the Department of Public Instruction and brokers licenses issued by the Department of Insurance to practice professions or to work at trades or occupations; and providing for renewals after discharge from such service.

Mr. WADE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE, from the Committee on State Government, reported as committed, Senate Bill No. 1205, (House Bill No. 1611), entitled:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth; and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owners.

BILL RE-REFERRED

He also, from the Committee on State Government, reported as committed, Senate Bill No. 1220, (House Bill No. 674), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other

assistants and employes of certain departments boards and commissions shall be determined" as amended by making certain changes in the name qualifications powers and duties of the State Board of Examiners for the Registration of Nurses and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board and an Assistant Director of Nursing Education who shall also be Assistant Executive Officer of the Board and other officers and employes thereof.

with the request that it be re-referred to the Committee on Public Health, which was so ordered.

REPORTS FROM COMMITTEES

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1271, (House Bill No. 1802), entitled:

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons, who served in the military or naval service during any war in which the United States was engaged.

Mr. MILLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1258, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Property and Supplies to assist in the development of aeronautics.

with the request that it be re-referred to the Committee on Appropriations after one reading.

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 1066, (House Bill No. 1203), entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education.

Mr. STEVENSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STEVENSON, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1259, entitled:

An Act to amend article twenty of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the

powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by authorizing the Department of Highways to construct, repair and maintain certain facilities of airports.

Mr. BECKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BECKER, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1243, (House Bill No. 1738), entitled:

An Act to amend Route 22045 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

He also, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1244, (House Bill No. 1739), entitled:

An Act to amend Route 38043 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

CALENDAR

SENATE BILL NO. 767, (HOUSE BILL NO. 1095) ON SECOND READING CALLED UP

Mr. BARR. Mr. President, I now call up Senate Bill No. 767, (House Bill No. 1095), on second reading, page 20 of the Calendar.

Mr. COLEMAN. Mr. President, I second the motion. The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 767, (House Bill No. 1095), entitled:

An Act to further amend section six of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 414, (HOUSE BILL NO. 616)

Agreeably to order,

The Senate proceeded to the consideration of the Conference Committee Report on Senate Bill No. 414, (House Bill No. 616), as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 616

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 616, entitled:

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" providing for the fixing of bail and the admission to bail by magistrates committing magistrates justices of the peace or aldermen and the fixing of bail by coroners in certain cases involving involuntary manslaughter

Respectfully submit the following bill as our report:

HENRY I. WILSON
CLARENCE D. BECKER
JOHN J. HALUSKA

(Committee on the part of the Senate.)

PAUL D'ORTONA
LEWIS J. FINESTONE
WALTER E. ROSE, JR.

(Committee on the part of the House of Representatives.)

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" providing for the fixing of bail and the admission to bail by magistrates committing magistrates justices of the peace or aldermen and the fixing of bail by coroners in certain cases involving involuntary manslaughter

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" is hereby amended to read as follows

Section 7 In all cases the party accused on oath or affirmation of any crime or misdemeanor against the laws shall be admitted to bail by one or more sufficient sureties to be taken before any judge justice mayor recorder or alderman where the offense charged has been committed except such persons as are precluded from being bailed by the constitution of this Commonwealth Provided also

That persons accused as aforesaid of murder or manslaughter shall only be admitted to bail by the supreme court or one of the judges thereof or a president or associate law judge of a court of common pleas And provided further however That persons accused of involuntary manslaughter involving the use of an automobile trolley or train may be admitted to bail by a magistrate committing magistrate justice of the peace or alderman the amount thereof to be fixed by the magistrate committing magistrate justice of the peace or alderman or the coroner Persons accused as aforesaid of arson rape mayhem sodomy buggery robbery or burglary shall only be bailable by the supreme court the court of common pleas or any of the judges thereof or a mayor or recorder of a city

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the report?

Mr. SHAPIRO. Mr. President, I understand a motion is going to be made that this report of the Conference Committee be adopted. I have no objection to that, except that I desire to call the attention of the members of the Senate to this bill, because I think there is a mistake in the report.

On page 4 of this bill, the amendment is that magistrates, committing magistrates, justices of the peace or aldermen may take bail, and then it provides that the amount of bail may be fixed by magistrates, committing magistrates, justices of the peace, aldermen or the coroner. In other words, when this bill originally was presented to the Senate it was intended to give the coroner the right to take bail. A subsequent amendment provided that they shall have the right, not only to take bail but to fix it, but as the amendment appears now the coroner has not the right to take bail, but has the right to fix the amount of bail. I would like an explanation of that, because it seems to me unusual that a person can fix bail and not have the right to take it.

Mr. BECKER. Mr. President, in answer to the inquiry of the Senator from Philadelphia, Mr. Shapiro, that was, after all, the understanding of the Conference Committee, after a discussion with the Attorney General's office on the subject. In other words, Mr. President, this bill is intended to provide for emergency situations, in cases like involuntary manslaughter, and the idea was that while the coroner did not have the right to take the recognizance itself, nevertheless under certain circumstances he might have the right to fix the amount of the bail, and yet the defendant would still have to appear before a magistrate and actually enter bail by signing the recognizance.

And the question recurring.

Will the Senate agree to the Report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lantus,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1061, (House Bill No. 811), report of Committee of Conference, entitled:

An Act to further amend section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," further providing for the rights of manufacturers of wine.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 185, on concurrence in house amendments, entitled:

An Act to further amend the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to parents of the person proposed to be adopted, as to who can be adopting parents and procedure at the adoption hearings.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 209, on concurrence in house amendments, entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of law.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 597, entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. EALY. Mr. President, I move that the Senate non-concur in the amendments placed in this bill by the House.

Mr. MILLER. I second the motion; Mr. President.

On the question,

Will the Senate agree to the motion.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Orider,	Hornsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanus,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 697, on concurrence in house amendments, entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

go over in its order as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 787, on concurrence in house amendments, entitled:

An Act to further amend the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation

of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by exempting certain transportation from the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle" further regulating the right to render service as a contract carrier by motor vehicle prohibiting the imposition of costs upon the commission in certain appeals to the Superior Court subjecting persons and corporations to certain civil penalties for violating the act prohibiting motor carriers common carriers by airplane and any operator or employe of such carriers and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers and changing the penalty with respect thereto and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

go over in its order as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 78, entitled:

An Act to amend sections eight hundred one and nine hundred seventy-six of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nominations of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining political parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases, imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections, the Secretary of the Commonwealth and the courts.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 921, (House Bill No. 892), entitled:

An Act authorizing a commission to study recreational facilities available in first class cities imposing powers and duties on said commission.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 923, (House Bill No. 943), entitled:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the

laws relating thereto" by authorizing boards of county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, on today's Calendar, this bill and a number of other bills that we have for consideration are lacking in one respect, they do not have an effective date. In this bill particularly, dealing with budgets, it may be necessary that there should be an effective date and unless there is an effective date it becomes effective September 1st. There are a number of bills on the Calendar today, none of which contain an effective date, and I think it is important they be corrected, and I shall call them to the attention of the members of the Senate.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McQuiddy,	Taylor,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Detrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Lanius,		

NAYS—2

Thomas, Wilson, H. I.,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 957, (House Bill No. 529), entitled:

An Act to further amend section 571 of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that the tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	Miller,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1103, (House Bill No. 820), on final passage, entitled:

An Act to amend section one of the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares, and merchandise, and providing for the collection of said tax," as amended, exempting from the mercantile license tax so much of the business of manufacturers producers and mechanics as comprises the vending of goods of their manufacture or production except business transacted at places of business operated by them apart from their factories places of production, loading pockets, places of storage and workshops

be recommitted to the Committee on Finance.

Mr. JASPAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 372, (House Bill No. 581), as follows:

An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis and Bang's disease in cattle

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand (\$50,000) or as much thereof as shall be necessary is hereby specifically appropriated to the Department of Agriculture to be used by the Department of Agriculture in laboratory research work designed to prevent the transmission of the diseases of cattle known as mastitis and Bang's disease and to effectuate a cure for such diseases

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lapius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 457, as follows:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of person designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by enabling the Department of Public Assistance to take measures to rehabilitate persons receiving assistance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board as amended by section two of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-nine (P. L. 1091) is hereby further amended by adding a new sub-section sub-section (1) as follows

Section 4 General Powers and Duties of Department of Public Assistance The Department of Public Assistance shall have the power and its duty shall be

* * * *

(1) To take measures not inconsistent with the purposes of this Act and with the approval of the State Board of Public Assistance to promote the rehabilitation of persons receiving assistance and to help them to become independent of public support including measures designed to effect the fullest cooperation with other public agencies empowered by law to provide vocational training rehabilitative and similar services

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I submit that this is an unnecessary piece of legislation that is offered to us, and to supplement my remarks I would like to say that when I left my winter resort in March, I bought a Philadelphia paper on the train and I read a statement by our honored President Pro Tempore in which he said that this session of the Legislature would enact about twenty measures and adjourn very promptly. I was somewhat terrified that I had prolonged my winter vacation too long, and would not be able to be here to render any service to the Commonwealth, but I hurried home and at least I am here.

Also, Mr. President, if I may take a moment, we have as you know at the front door of the Capitol some very beautiful marble figures, doing a kind of a strip tease act. They are highly symbolic, Mr. President, but I never understood the symbolism, until I saw yesterday a circular about the super-highway, which I found in my hotel, but the meaning of the symbolism as depicted by those George J. Barnard statutes, is that they are weeping over the number of bills that are brought in the front door and other doors to the Legislature.

Mr. President, I claim this bill is one too many. We have now, I believe, nearly eight hundred Senate bills and sixteen hundred some odd House bills, a total of about twenty-five hundred bills, so this would make twenty-four hundred and ninety-one if we would vote "no."

The argument is in this vest pocket compendium, which I will try to hold. We have a well known department that used to be called the Department of Labor and Industry, you do not have to call it Labor now—and in that department they have a bureau called the Bureau of Rehabilitation, which was established in 1919, and it is empowered to aid any person who is totally or partially incapacitated for remunerative employment by reason of a physical defect, infirmity, whether congenital or acquired by accident, injury, or disease, regardless of the financial standing of the individual, and so forth, and then it says that the work of the bureau is supported in part by federal funds. In the biennium of 1937-1939 the total expenditures were \$666,000.

Now, if you will notice in this bill, it sets up a bureau in the Department of Public Assistance to do this very thing, namely, to provide vocational training, rehabilitation and similar service.

I submit respectfully, therefore, that we ought to vote "no" and at least subtract one bill from the twenty-five hundred.

Mr. BARTLETT. Mr. President, the Bureau of Rehabilitation of the Department of Labor and Industry is permitted under existing law to furnish rehabilitation only

to those persons for whom they have definite positions and for whom they can carry on and supervise in those positions.

This bill, if enacted, would permit the Department of Public Assistance to help those for whom they hope to secure positions. They have no intention of building up any additional or extra or useless bureau. They have no additional function for the county boards and no additions to the staffs of the county boards.

Mr. President, this bill would permit the Department of Public Assistance to help those who are now on public assistance, whereby a small expenditure might enable them to be self-supporting and thus remove them from the relief rolls; as small additional expenditure for this rehabilitation might save the department a very much larger sum in not so long time and I urge my colleagues on both sides to vote for this bill.

Mr. COLEMAN. Mr. President, I desire to interrogate the gentleman from Northampton, Senator Bartlett.

The PRESIDENT. Will the gentleman from Northampton permit himself to be interrogated?

Mr. BARTLETT. I will, Mr. President.

Mr. COLEMAN. Mr. President, I desire first to make a preliminary statement, and then ask the gentleman from Northampton a question or two. Every now and again bills that are clothed in innocent language, such as is contained in this measure, set out to do what looks like a noble and lofty thing, but work a tremendous hardship on the people, and I am just wondering and desire to ask the gentleman from Northampton if this is not another attempt to delete from the relief rolls many people who are entitled to public assistance in the Commonwealth of Pennsylvania.

Mr. BARTLETT. Mr. President, I do not think they are entitled to assistance if they are able to support themselves, and if a small expenditure will make them able to support themselves, then they are not entitled to further assistance.

Mr. COLEMAN. Mr. President, does the gentleman from Northampton know that last Wednesday or Thursday the Secretary of Public Assistance, on an order of the Executive Committee of the public assistance set up of the Commonwealth issued an arbitrary order taking off all able bodied men who are single, from receiving public assistance, from the ages of twenty to forty?

Mr. BARTLETT. I do know that, Mr. President.

Mr. COLEMAN. Is there any connection, Mr. President, I desire to ask the gentleman from Northampton, between that order from the Department of Public Assistance and this particular bill?

Mr. BARTLETT. There is no connection, Mr. President, between the two, the order merely establishes for the state a practice which has been common with most of the county boards.

Mr. COLEMAN. I do not so understand, Mr. President. I think in 1938, feeling that there were entirely too many chiselers receiving relief in the Commonwealth, the Board issued an order taking off all single cases, and I understand that of the many taken off only one-third of those who were taken from the relief rolls made reapplication. I think the board decided that the end justified the means, and the other two-thirds of those who had been receiving relief made no re-application for assistance. Now, Mr. President, this looks to me like another attempt to take a lot of people off the relief rolls, and I do not agree with

the belief that you can take a fellow between the ages of twenty and forty and just arbitrarily take him off relief and say to him, in effect, "go out and get yourself a job."

POINT OF ORDER

Mr. BARTLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Northampton will state his point of order.

Mr. BARTLETT. Mr. President, is the gentleman from Lackawanna speaking about the bill?

Mr. COLEMAN. I certainly am, Mr. President. I think there is a very definite connection between the order of the Public Assistance Department and a bill of this character. At least the language contained in the bill, following immediately upon the order of the general assistance setup of the Commonwealth, leads me inescapably to the conclusion that there is a very definite connection.

Mr. BARTLETT. May I say, Mr. President, that the bill on which the gentleman is speaking has been in the possession of the Senate, for months, and this order to which he refers has only been issued within the last week.

Mr. COLEMAN. Mr. President, I would suggest that the Department of Public Assistance, like all the people of the Commonwealth is probably tired of the dilatory actions of the General Assembly, and feeling they may not get any action, decided to do it before the General Assembly took the action as is contained in this measure.

Mr. BARTLETT. I do not understand the question, Mr. President, if it is a question.

Mr. COLEMAN. Mr. President, I do not share the belief of many people in the Commonwealth, that just because a man is in the vigor of his young manhood and is able to go out and work, if work is available, that he ought to be taken off the relief rolls of the Commonwealth of Pennsylvania. I believe that the upsurge in defense employment has taken up the slack in the number of unemployed people of the Commonwealth, but I find, too, that most of the employees that have been taken on because of the general defense setup are those who are skilled in the various crafts, machinists, welders and other various crafts of skilled labor in the Commonwealth. There still remains, however, a number of abled bodied young men who are unable to get employment, and this looks to me, Mr. President, like another attempt on the part of the Department of Public Assistance to take people from the relief rolls who have a definite right to look to the General Assembly and to look to the various agencies of the Commonwealth, created by acts of Assembly, for aid and succor in their hour of need, and I for one member of this Assembly am going to vote against this particular bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Bartlett,
Becker,
Carr,
Orider,

Farrell,
Geltz,
Haluska,
Heyburn,

Scarlett,
Shapiro,
Snowden,
Stevenson,

Tyler,
Wade,
Walker,
Watkins,

Crowe,
Detrick,
Ealy,
Edmonds,

Homsher,
James,
Miller,

Tallman,
Taylor,
Thomas,

Wilson, H. I.,
Wilson, T. B.,
Ziesenheim,

NAYS—15

Barr,
Cavalcante,
Coleman,
Cox,

Dent,
DiSilvestro,
Frey,
Jaspan,

Lanius,
McQuiddy,
Mundy,
Reed,

Ruth,
Stiefel,
Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 464, as follows:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to Mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by changing the residence requirement for general assistance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sub-section (d) of section nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by section three of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-nine (P. L. 1091) is hereby further amended to read as follows

Section 9 Eligibility for Assistance Except as herein-after specifically otherwise provided in the case of pensions for the blind all persons of the following classes shall be eligible to receive assistance in accordance with rules regulations and standards established by the Department of Public Assistance with the approval of the State Board of Assistance as to eligibility for assistance and as to its nature and extent

(d) Other persons who are citizens of the United States and who have a settlement in Pennsylvania [and have resided therein for at least two years immediately preceding the date of application for assistance] and all aliens who have within two years previous to the first day of January one thousand nine hundred and forty filed their

declaration of intention to become a citizen and who have a legal settlement in Pennsylvania land have resided there-in for a period of not less than two years immediately preceding the date of application for assistance] and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living and who do not require institutional care because of physical or mental infirmity

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,
Bartlett,
Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Detrick,
Dent,

DiSilvestro,
Ealy,
Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Lanius,

Letzler,
Mallery,
McCreesh,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,
Stevenson,

Stiefel,
Tallman,
Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 532, (House Bill No. 550), on third reading, entitled:

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 9) entitled "An act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 637, as follows:

An Act making an appropriation to the Trustees of the Pennsylvania State College for instruction and research in aeronautical engineering and for the acquisition construction and maintenance of airport facilities as an aid to national defense and for other purposes and empowering said trustees to enter into agreements with Federal officials or agencies with respect to the construction and use of such airports

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred and fifty thousand dollars (\$250,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the

Pennsylvania State College for the two fiscal years beginning the first day of June one thousand nine hundred and forty-one for the following purposes

For instruction and research in aeronautical engineering the sum of one hundred thousand dollars (\$100,000)

For the purchase of land and the construction of buildings and other physical facilities to be erected thereon for the purposes of providing an airport or airplane landing field and for the operation of the same the sum of one hundred fifty thousand dollars (\$150,000)

Section 2 The Trustees of the Pennsylvania State College are hereby authorized and empowered to enter into agreements with the Government of the United States of America through action of any duly authorized official department or other agency to contribute to and participate in the construction of the airport or airplane landing field referred to in section one of this act and in the use and operation of said airport or airplane landing field for military or civil purposes

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanlus,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions, adoptions of compensation schedules and certification of payrolls imposing duties upon certain officers and employees of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service, defining certain crimes and misdemeanors imposing penalties and making an appropriation and repealing certain acts and parts thereof.

go over in its order, as there are amendments under consideration.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four

hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department.

go over in its order, as there are amendments under consideration.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 700, (House Bill No. 99), on third reading, entitled:

An Act to amend sections one and two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting certain clubs from such limitation and by providing that retail dispenser's licenses may be exchanged or surrendered for liquor licenses without violating the limits upon the number of licenses imposed by such act; and authorizing the Pennsylvania Liquor Control Board to effect such exchange or substitution upon compliance with certain conditions.

go over in its order, as there are amendments under consideration.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 712, as follows:

An Act to amend section one and section two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 899) entitled "An act establishing a State Highway in the County of Lebanon providing for its location construction improvement and maintenance by the Commonwealth" by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 899) entitled "An act establishing a State highway

in the County of Lebanon providing for its location construction improvement and maintenance by the Commonwealth" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a State highway is hereby established the route of which shall be as follows

Beginning at a point one hundred feet more or less south of the south side of the viaduct where State highway route number one hundred and thirty-eight passes under the Pennsylvania Railroad at or near Coal Spring in Cornwall Township Lebanon County and extending in a general westerly direction south of the Cornwall and Lebanon branch of the Pennsylvania Railroad to the post office at Mount Gretna Lebanon County thence along the south side of Conewago Lake to the western end of the lake and [there joining with an improved military road on the State Military Reservation] thence in a westerly direction to the western end of an improved road on the State Game Reservation

Section 2 That Section 2 of said act is hereby amended to read as follows

Section 2 The said State highway shall be located by the [State Highway Department] Department of Highways after consultation with the [Adjutant General of the Commonwealth and shall be so located as to afford easy access to the State Military Reservation at Mount Gretna Executive Director of the State Game Commission

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Hajuska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. BARR. Mr. President, I ask unanimous consent that Senate Bill No. 726, on third reading, entitled:

An Act to provide for two additional law judges of the Court of Common Pleas of the Fifth Judicial District.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. EDMONDS. Mr. President, at the request of my co-sponsor, I move that Senate Bill No. 783, on third reading, entitled:

An Act to further amend the act approved the twenty-

eight day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate, and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by changing the method by which notice of the formation of a municipal authority shall be made public; further regulating incorporation purposes and existence of the authority; defining procedure whereby an authority can enter into contracts and dispose of its bonds; imposing additional qualifications and duties on members of the authority; imposing civil liability on members of the board and officers of an authority in certain cases; requiring annual audits; imposing additional duties on the court of common pleas; giving authorities right of eminent domain in certain cases; extending with certain limitations the power of Authorities to make certain purchases requiring authorities in certain cases to secure certificates of public convenience from the Public Utility Commission, imposing duties upon said commission and providing for appeals, requiring the filing of financial reports by authorities with and the approval of bond issues by the Department of Internal Affairs and conferring powers and imposing duties upon said department, restricting the appointment of members of authorities and limiting their salaries, and providing for the voluntary dissolution of authorities.

be recommitted to the Committee on Public Utilities at the request of the sponsor.

Mr. GELTZ. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. COLEMAN. Mr. President, I oppose the motion to recommit this bill. I think there are somewhere lodged in committees of the House and the Senate eight bills regulating municipal authorities. I do not want to question the motive of the gentleman who made the motion and who sponsored the bill, as obviously he is interested in its passage, but I want to register my protest against the inaction of the General Assembly in permitting these bills to be lodged in committee, bills which are of tremendous importance to the people of the Commonwealth.

Mr. President, some time immediately following the Chester water deal, water scandal, rather, there was a rush by members on both sides of the General Assembly to introduce bills to preclude the possibility or guard against the possibility of a similar occurrence in any other political sub-division of the Commonwealth, and those bills have been resting in committee until this week, when this particular bill made its appearance on the Calendar.

Mr. President, in my particular community this is a very live issue, and I want to register my protest against recommitting this bill and I ask for a roll call.

Mr. WALKER. Mr. President, I want to assure the gentleman from Lackawanna that he is not any more deeply interested in trying to correct some of the evils that cropped out of this particular municipal scandal than the sponsors of the bill, and I assure him there is no sinister motive in having this bill recommitted to the Committee on Public Utilities.

If the gentleman will recall, when this bill first made its appearance on the Calendar, the understanding was

that it was to be printed with these amendments in it, so that the members of the Senate would have an opportunity to read them, and after receiving two readings, it would be re-referred to the Committee on Public Utilities so that we could discuss some of the objections and some of the suggestions and constructive criticisms that might be offered. There have been a number of suggestions made that I think the committee should consider. There is no sense in just passing a bill on municipal authorities merely to get a bill on municipal authorities.

Mr. President, I might suggest to the gentleman from Lackawanna that one of the suggestions that has been made that is entitled to careful consideration, because it is a constructive suggestion, is to be found on page fourteen of the bill, lines twenty-four and twenty-five. Line twenty-four reads as follows: "Before any authority organized under this act shall begin the construction," and so on. It is not the thought of those who are interested in regulating municipal authorities to enter into the business of local authorities in constructing water works, electric light plants or sewage disposal plants. The evil that arises, arises from acquisition through purchase, and it is a very grave problem, as to whether or not we might not be interfering too much with the theory of home rule, which we all so lovingly embrace, if we permit the word "construction" to stay in there, and perhaps we would be far better off, in line with the proper regulation of authorities, if that were stricken from the bill.

That is merely one suggestion that has come to us, and there are a number of others, and I assure the gentleman from Lackawanna that he is not lowering his flag the least bit in his ardent defense of proper regulation of authorities by permitting this bill to be recommitted, so that it can be made as good a bill as we can possibly make it.

Mr. President, I want also to suggest to the gentleman from Lackawanna that this problem of municipal authorities and their regulation is new in Pennsylvania and there is much about municipal authorities, their operation and their regulation, that is in the infant stage, and we should not make haste on this thing for fear we wreck the good that the municipal authorities do accomplish in Pennsylvania.

There are a number of municipalities throughout Pennsylvania that have been benefitted by the opportunity to acquire municipal authorities and purchase water works and sewage disposal plants. For years there have been statutes on the law books of Pennsylvania compelling municipalities to construct sewage disposal plants and any of you who have been familiar with the operation of municipal government know full well how often small boroughs, large boroughs and other municipalities have openly defied the state when the state has issued an order to that particular municipality to construct a sewage disposal plant.

Mr. President, this is a serious subject, it is a very complicated subject, and we are trying to do the best that we know how, and one of the ways we can make progress, frankly, is to get this bill back so we can carefully study it and not just push it through in a hasty manner, in order to avoid hasty criticism from an over-enthusiastic public.

Mr. MALLERY: Mr. President, I think the Senator from Allegheny, Senator Walker, has covered the matter very well. I simply want to likewise assure the Senator

from Lackawanna that there is no intent to pickle this very important bill. In all probability the bill will come out of committee tomorrow, and we all hope it will be in better shape than it is at the present time.

Mr. COLEMAN. Mr. President, over a long period of years there has been a traditional courtesy in the House and the Senate, whenever a bill is reported out with the understanding that it shall be recommitted after two or three readings, that courtesy to my knowledge has never been violated.

I had no idea when the gentleman made his motion that such a thing happened in committee, when this bill was reported out; I am not a member of the Committee on Public Utilities. I would like to suggest to the committee, however, that this is, I think, one of the most important bills that is now before us in the General Assembly. There are four or five other bills, Mr. President, that are now lodged in Senate committees, one of them in a conference committee, and I think the General Assembly should not adjourn without taking some action on this matter. So I withdraw my objection, Mr. President, in view of the very intelligent and illuminating explanation of the gentleman from Allegheny, Senator Walker.

I withdraw my request for a roll call, Mr. President, and suggest to the committee, having an abiding faith in the honesty and veracity of my good friend from Blair, Senator Mallery, that the committee act without any undue delay in re-reporting this bill so that we can have an opportunity to vote on it in the Senate.

Mr. SHAPIRO. Mr. President, I want to suggest to the gentleman from Montgomery that if this bill goes back to committee it has very little likelihood of passing, because if we adjourn next week there will not be sufficient time for this bill to pass the House. The House does not have the same rules as we have.

The PRESIDENT. The Chair would like to interrogate the gentleman from Philadelphia. Are we going to adjourn next week?

Mr. SHAPIRO. Yes, Mr. President.

Mr. President, I think if the bill is to be amended, there is a bill in the House, and this matter has been discussed with a group who are interested in it, and I think they could make amendments over there just as well as we could here, and I think it would expedite matters if this bill is passed. I am quite sure if this bill is recommitted to committee it will never come out in time to be passed, because the loss of a day may mean a great deal.

Mr. MALLERY. Mr. President, for the information of all the Senators I would like to state that there will be a meeting of the Public Utilities Committee tonight to consider this bill, and I likewise extend to all Senators who are interested in this bill an invitation to attend that meeting.

And the question recurring,

Will the Senate agree to the motion.

The yeas and nays were required by Mr. EDMONDS and Mr. GELTZ, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Letzler,	Tallman,
Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	McQuiddy,	Tyler,
Cavalcante,	Frey,	Miller,	Wade,

Chapman,
Coleman,
Cox,
Crider,
Crowe,
Detrick,
Dent,

Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Lanius,

Mundy,
Reed,
Ruth,
Scarlett,
Snowden,
Stevenson,
Stiefel,

Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—1

Shapiro,

So the question was determined in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 790, (House Bill No. 90), as follows:

An Act Providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as The United Spanish War Veterans Incorporated

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all existing legislation affecting veterans of the Spanish American War and organizations of said veterans all designations or titles of said veterans' organizations shall be corrected to read The United Spanish War Veterans Inc.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,
Bartlett,
Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Detrick,
Dent,

DiSilvestro,
Ealy,
Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Lanius,

Letzler,
Mallery,
McCreesh,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Scarlett,
Snowden,
Stevenson,
Stiefel,

Tallman,
Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 795, (House Bill No. 640), as follows:

An Act establishing certain public roads and streets and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway and providing for their laying out

opening construction and maintenance by the Department of Highways subject to certain terms and conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sections of public roads including portions of streets and roads not yet ordained or opened shall be adopted by the Commonwealth as a state highway and shall be laid out and opened when necessary constructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing state highways

Beginning at a point on Route 22006 east of the Pennsylvania Railroad tracks thence in a general southerly direction in Susquehanna Township over a new location and a township road bordering on the west side of Wildwood Park to a point on the Harrisburg City-Susquehanna Township line near Paxton Creek thence continuing in a general southerly direction through the City of Harrisburg over a street to be ordained and opened up by the City of Harrisburg to a point on Maclay Street near the State Farm Show Building and thence continuing in a general southerly direction along or over the Paxton Creek channel over a street to be ordained and opened up by the City of Harrisburg to a point on Paxton Street west of Cameron Street in the City of Harrisburg Dauphin County a total distance of about 5.0 miles

Section 2 Those portions of the proposed State highway hereinbefore described located over existing roads or streets which are situated within the limits of the City of Harrisburg and the Township of Susquehanna shall be constructed reconstructed and maintained and those portions of the proposed state highway which are not at present existing roads or highways or have not been ordained laid out or opened shall be laid out opened constructed and maintained by the Department of Highways in accordance with present or future laws governing the laying out opening construction reconstruction and maintenance of streets roads and state highways in the respective political subdivisions in which they are or may be located and all damages occasioned by such laying out opening and construction of portions of such streets and roads not at present ordained and opened shall be determined and payment thereof made in accordance with present or future laws governing the determination and payment of such damages in the respective political subdivisions in which the same are laid out and opened

Section 3 So much of the money in the Motor License Fund as may be from time to time needed to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for such purposes

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,
Bartlett,
Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Detrick,
Dent,

DiSilvestro,
Ealy,
Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Lanius,

Letzler,
Mallery,
McCreesh,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,
Stevenson,

Stiefel,
Tallman,
Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.;
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 796, as follows:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing Route 36174 Lancaster County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as last amended by the act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (P. L. 2143) is hereby further amended to read as follows

Route 36174 Beginning at a point on Route 36048 about 0.2 of a mile northeast of Route 36012 thence easterly through Brecknock Township to a point on the Lancaster-Berks County line about 0.7 of a mile northwest of Route 518 in Lancaster County a distance of about 2.5 miles! an intersection with Route 36067 at or near McKinley's School and extending in a northwesterly direction through Rapho Township to the Lancaster-Lebanon County line a distance of about 1.4 miles

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 797, as follows:

An Act making an appropriation to the Department of Highways for the construction of roadways and parking areas on the premises included in the Pennsbury Memorial

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-five thousand dollars (\$25,000) is hereby specifically appropriated out of moneys in the Motor License Fund to the Department of Highways to be used by said Department in the laying out and construction of necessary road-ways and parking areas on the premises included in the Pennsbury Memorial in Falls Township in the County of Bucks

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 938, (House Bill No. 49), on third reading, entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 939, (House Bill No. 61), as follows:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of one thousand dollars (\$1,000) is hereby specifically appropriated to the Cresson Volunteer Fire Company for the two fiscal years beginning June first one thousand nine hundred and forty-one for the protection of State property at the Cresson Sanatorium

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 942, (House Bill No. 280), as follows:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of one hundred thousand dollars (\$100,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the College of Lincoln University Chester County for the two fiscal years beginning June first one thousand nine hundred and forty-one for the general maintenance of the university and the purchase of such apparatus and equipment as the trustees may deem for the best interests of the university.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,

Crider,
Crowe,
Detrick,
Dent,

Homsher,
James,
Jaspan,
Lanius,

Scarlett,
Shapiro,
Snowden,
Stevenson,

Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 943, (House Bill No. 281), as follows:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 In addition to the moneys appropriated for the rehabilitation of persons injured in industry and otherwise the sum of thirty thousand dollars (\$30,000) is hereby appropriated to the Department of Labor and Industry for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of providing for the rehabilitation of those who are deaf and hard of hearing in order to secure for such persons placement in industry and for the payment of the compensation and expenses of persons employed by the department in such rehabilitation work In addition to the powers granted to the said department it shall have like powers for the rehabilitation of the deaf and hard of hearing as provided by existing law for the rehabilitation of those injured in industry and otherwise The moneys hereby appropriated shall be available for the purpose of matching any reallocations of federal moneys made available to the State through the Couzen's amendment or any other Federal Government appropriation for this purpose allotted to the state in any fiscal year

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and con-

sideration of Senate Bill No. 945, (House Bill No. 291), as follows:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty-five thousand dollars (\$55,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred and forty-one for aid to free public non-sectarian county libraries and for the purchase and transportation of books to be used for demonstration and circulation purposes to carry into effect the provisions of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 1203), entitled "An act providing aid by the Commonwealth to free public non-sectarian county libraries authorizing the Department of Public Instruction to provide books for demonstration purposes to encourage the establishment of such county libraries and making an appropriation."

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 948, (House Bill No. 317), as follows:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five thousand dollars (\$5,000) or as much thereof as may be necessary is hereby specifically appropriated for the several fire companies of the city of Harrisburg Pennsylvania as compensation for protection from and extinguishment of any fire or fires that may occur in or on the Capitol buildings or grounds for the two fiscal years beginning June first one thousand nine hundred and forty-one Said sum to be distributed among said companies in equal amounts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 952), House Bill No. 348), as follows:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four hundred ten thousand dollars (\$410,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for and during the two fiscal years beginning June first one thousand nine hundred forty-one as follows to pay for the care treatment removal and maintenance of the indigent insane at The Dixmont Hospital Dixmont Allegheny County at a rate not exceeding the actual cost of such care treatment and maintenance of such indigent patients in said hospital after deduction of the amounts paid to said hospitals by the respective counties or institution districts from which such indigent patients shall have come the sum of three hundred fifty thousand dollars (\$350,000)

No warrant shall be drawn or settlement made until the directors or managers of the hospital shall have made on oath or affirmation to the Department of Welfare a monthly or quarterly report as may be required by the Department of Welfare setting forth the actual total number of weeks of service rendered to indigent patients in said hospital during the period for which the report is made and the amounts received by said hospital during such period from the counties or institution districts from which such indigent patients shall have come nor until the Secretary of Welfare shall have certified to the Auditor General that the monthly or quarterly report of the cost of such care and treatment contains no charge except for such care treatment removal and maintenance

Section 2 It shall be the duty of the directors or managers of the hospital to make on oath or affirmation to the Department of Welfare a report on the fifteenth day of June one thousand nine hundred and forty-one setting forth the name of each and every indigent patient resident in the hospital on the first day of June preceding Such list shall show the date of admission or readmission of each such patient the identification number of such patient

and the county or institution district from which such patient was committed

Each month or quarter thereafter during the period covered by this appropriation as may be requested by the Secretary of Welfare the directors or managers of the hospital shall make on oath or affirmation a report to the Department of Welfare setting forth the name of each indigent patient admitted or readmitted during the period of the report together with the identification number of such patient the date of admission or readmission the county or institution district from which such patient was committed and the amount received from such county or institution district for the maintenance of such patient during the period of the report Such report shall also contain the name of each indigent patient removed from the hospital by death discharge or parole together with the identification number of such patient the date of removal and the county or institution district from which such patient was committed

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 953, (House Bill No. 351), as follows:

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-two thousand five hundred dollars (\$22,500) is hereby specifically appropriated to the Johnson Industrial School of Scranton Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of maintenance and the purchase of supplies and equipment to be paid according to law

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 960, (House Bill No. 614), as follows:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of sixty thousand dollars (\$60,000) or as much thereof as may be necessary is hereby specifically appropriated to the Downingtown Industrial and Agricultural School of Downingtown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of maintenance to be paid according to law.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 967, (House Bill No. 1003), as follows:

An Act making an appropriation to the Moore Institute of Art Science and Industry formerly Philadelphia

School of Design for Women at Philadelphia, Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty thousand dollars (\$30,000) is hereby specifically appropriated to the Moore Institute of Art Science and Industry formerly Philadelphia School of Design for Women of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one Provided That in such school there shall be maintained a free scholarship for one pupil of each county in the State to be filled by appointment of the senator of each such county except that for counties having more than one senator as many scholarships shall be provided as there are senatorial districts in such counties and in case of the failure of any county to be properly represented by an appointee or appointees at the opening of any school year October first then any senator of any senatorial district shall have the power to fill such vacancy or vacancies by the appointment of additional applicants from his own district or any other senatorial district of the State.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr.	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 968, (House Bill No. 1065), as follows:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary is hereby specifically appropriated to the National Farm School at Doylestown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of maintenance to be paid according to law.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr.	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 969, (House Bill No. 1066), as follows:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred fifty thousand dollars (\$150,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred forty-one for the purpose of maintenance of a school of medicine.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr.	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and con-

sideration of Senate Bill No. 970, (House Bill No. 1068), as follows:

An Act making an appropriation to the Trustees of the University of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million four hundred eighty-five thousand dollars (\$1,485,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the general maintenance of the university and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the University of Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 972, (House Bill No. 1106), as follows:

An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred twenty thousand dollars (\$120,000) or as much thereof as may be necessary is hereby specifically appropriated to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania for the support and promotion of medical education for the two fiscal years beginning June first one thousand nine hundred forty-one payment to be made according to law

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 978, (House Bill No. 1315), as follows:

An Act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of the act" by adding new sections making certain changes in the designation of certain streets taken over as State highways and adding thereto certain additional streets providing for the taking opening relocation widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and the city or either of them designating the city as agent for the Commonwealth in such taking opening relocation widening or change of grade and the determination of damages arising therefrom authorizing agreements for the taking opening relocation widening change of grade construction reconstruction repair and maintenance of such State highways appropriating money in the Motor License Fund for the purposes of the act as amended.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and sections two three four five six and seven of the act approved the seventh day of May one thousand nine hundred thirty-seven (P. L. 589) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providin

that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" are hereby amended to read as follows

An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets providing for the taking opening relocation widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and any such city or either of them and authorizing agreements between cities and the Commonwealth for the opening taking relocating widening or change of grade of said streets and designating the city as agent of the Commonwealth in such opening taking relocating widening or change of grade and the determination of damages to private property arising therefrom imposing duties on such cities and on public utility companies using such streets [providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon] authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

In the City of Philadelphia

Beginning at a point on the Philadelphia City-Yeadon Borough line on Baltimore Avenue thence over Baltimore Avenue to an intersection with Forty-second Street thence northerly over Forty-second Street to an intersection with Spring Garden Street thence easterly over Spring Garden Street to an intersection with Thirty-first Street thence northerly over Thirty-first Street to an intersection with Haverford Avenue thence westerly over Haverford Avenue to an intersection with Forty-second Street thence southerly over Forty-second Street to the intersection of Forty-second Street and Spring Garden Street beginning again at the intersection of Thirty-first Street and Spring Garden Street thence easterly over Spring Garden Street to an intersection with the Parkway thence southeasterly over the Parkway to City Hall beginning again at the intersection of the Parkway and Race Street thence easterly over Race Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Vine Street thence westerly over Vine Street to an intersection with the Parkway a distance of about 8.25 miles

Beginning at a point on the Philadelphia [City-Melburn] City-Melbourne Borough line thence over Market Street to an intersection with Cobb's Creek Parkway thence southerly over Cobb's Creek Parkway to an intersection with Chestnut Street thence easterly over Chestnut Street to an intersection with Fifth Street thence northerly over Fifth Street to an intersection with Spring Garden Street beginning again at the intersection of Spring Garden Street and Sixth Street thence southerly over Sixth

Street to an intersection with Walnut Street thence westerly over Walnut Street to an intersection with Cobb's Creek Parkway thence northerly over Cobb's Creek Parkway to an intersection with Chestnut Street beginning again at the intersection of Cobb's Creek Parkway and Walnut Street thence southerly over Cobb's Creek Parkway to an intersection with [Sixty-third] Sixty-first Street thence southerly over Sixty-first Street to an intersection with Baltimore Avenue a distance of about 14.00 miles

Beginning at a point on the Philadelphia City-Yeadon Borough line on Sixty-fifth Street thence easterly over Sixty-fifth Street Chester Avenue and Sixty-fifth Street to an intersection with Kingsessing Avenue thence northeasterly over Kingsessing Avenue to an intersection with Fifty-second Street thence northwesterly over Fifty-second Street to an intersection with Chester Avenue thence northeasterly over Chester Avenue to an intersection of Chester Avenue and Forty-second Street thence northerly over Forty-second Street to an intersection with Baltimore Avenue thence northeasterly over Baltimore Avenue to an intersection with Woodland Avenue thence northeasterly over Woodland Avenue to an intersection with Chestnut Street near Thirty-third Street a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Bucks County line on Roosevelt Boulevard thence over the Roosevelt Boulevard to an intersection with Hunting Park Avenue thence over Hunting Park Avenue to an intersection with Allegheny Avenue thence westerly over Allegheny Avenue to an intersection with Ridge Avenue thence over Ridge Avenue and Park Drive to an intersection with City Avenue thence southwesterly over City Avenue to the Philadelphia City-Delaware County line at Cobb's Creek a distance of about 20.00 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Lancaster Avenue thence southeasterly over Lancaster Avenue to an intersection with Spring Garden Street near Thirty-ninth Street a distance of about 3.05 miles

[Beginning at a point on the Philadelphia City-Montgomery County line on Conshohocken Avenue thence southeasterly on Conshohocken Avenue to an intersection with Belmont Avenue thence southerly on Belmont Avenue to the intersection of Belmont Avenue and Lancaster Avenue beginning again at the intersection of Thirty-ninth Street and Lancaster Avenue thence southerly over Thirty-ninth Street Filbert Street and Thirty-ninth Street to the intersection of Thirty-ninth Street and Baltimore Avenue thence southeasterly over University Avenue to an intersection with Thirty-fourth Street thence southerly over Thirty-fourth Street to an intersection with Maiden Lane thence southeasterly over Maiden Lane to an intersection with Snyder Avenue thence easterly over Snyder Avenue to an intersection with South Twenty-fourth Street thence southerly over South Twenty-fourth Street to the intersection of South Twenty-fourth Street and Passyunk Avenue] Beginning at the intersection of Thirty-ninth Street and Lancaster Avenue thence southerly on Thirty-ninth Street Filbert Street and Thirty-ninth Street to the intersection of Thirty-ninth Street and Baltimore Avenue thence southeasterly on University Avenue to an intersection with Thirty-fourth Street thence southerly over Thirty-fourth Street to an intersection with Vare Avenue thence southeasterly over Vare Avenue to an intersection with Oregon Avenue thence easterly over Oregon Avenue to an intersection with South Broad Street beginning again at the intersection of Thirty-ninth and Filbert Streets thence northerly over Filbert Street Saunders Avenue and Lancaster Avenue to the intersection of Thirty-ninth Street and Lancaster Avenue a distance of about [6.70] 4.65 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Old York Road thence southerly over Old York Road to an intersection with North Broad Street thence southerly over North Broad Street to City Hall thence by West Penn Square to the intersection of

South Broad Street and South Penn Square a distance of about 8.00 miles

Beginning [at a point on the Philadelphia City-Montgomery County line on Wadsworth Avenue thence southwesterly on Wadsworth Avenue to an intersection with Easton Road thence along Easton Road to an intersection with Mt. Airy Avenue thence along Mt. Airy Avenue to an intersection with Germantown Avenue beginning again] at the intersection of Germantown Avenue and Mt. Pleasant Avenue thence southwesterly over Mt. Pleasant Avenue to an intersection with Lincoln Drive a distance of about [2.66] 0.83 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Ogontz Avenue thence southerly on Ogontz Avenue to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to the intersection of Stenton Avenue and North Broad Street a distance of about 2.20 miles

Beginning at a point on the Philadelphia City-Bucks County line on Bustleton Avenue thence southerly on Bustleton Avenue to an intersection with Welsh Road thence over Welsh Road to the intersection of Welsh Road and Roosevelt Boulevard a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Philmont Avenue thence northeasterly over Philmont Avenue to its intersection with Bustleton Avenue a distance of about 0.70 of a mile.

Beginning at a point on the Philadelphia City-Bucks County line on Frankford Avenue thence southwesterly on Frankford Avenue to an intersection with Levick Street thence northwesterly on Levick Street to the intersection of Levick Street and the Roosevelt Boulevard a distance of about 6.00 miles

Beginning at a point on the Philadelphia City-Montgomery line on Cottman Avenue thence southeasterly over Cottman Avenue to an intersection with Frankford Avenue beginning again at the intersection of Frankford Avenue and Levick Street thence southeasterly over Levick Street to the approach to the Tacony-Palmyra Bridge a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Delaware County line on Eighty-fourth Street thence southeasterly over Eighty-fourth Street to an intersection with Tinicum Avenue thence northeasterly over Tinicum Avenue to an intersection with South 80th Street thence southeasterly over South 80th Street to an intersection with Penrose Ferry Road [thence] [northeasterly over Penrose Ferry Road to an intersection with Penrose Avenue near Schuylkill Avenue] thence northeasterly on Penrose Avenue to an intersection with Moyamensing Avenue thence over Moyamensing Avenue to an intersection with South Broad Street thence northerly on South Broad Street to City Hall thence by way of East Penn Square to the intersection of North Penn Square and North Broad Street a distance of about [7.40] 7.09 miles

[Beginning at a point on the Philadelphia City-Delaware County line on Tinicum Avenue thence northeasterly on Tinicum Avenue to the intersection of Tinicum Avenue and Eighty-fourth Street beginning again at the intersection of Moyamensing Avenue and Oregon Avenue thence easterly on Oregon Avenue to an intersection with Swanson Street thence northerly on Swanson Street to an intersection with Delaware Avenue thence northerly on Delaware Avenue to an intersection with Richmond Street thence northeasterly on Richmond Street to an intersection with Bridge Street thence northwesterly on Bridge Street to an intersection with Tacony Street thence northeasterly on Tacony Street and State Road to the approach to the Tacony-Palmyra Bridge a distance of about 12.70 miles]

Beginning at a point on the Philadelphia City-Montgomery County Line on Germantown Avenue thence southeasterly over Germantown Avenue to an intersection with Mt Pleasant Avenue [thence northeasterly on Mt Pleasant Avenue to Chew Street thence southeasterly on Chew Street to an intersection with Olney Avenue thence easterly over Olney Avenue to an intersection with Rising Sun Avenue] beginning again at the intersection of

Rising Sun Avenue and Adams Avenue thence over Adams Avenue to an intersection with Roosevelt Boulevard a distance of about [8.76] 4.26 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Bethlehem Pike thence southwesterly on the Bethlehem Pike to an intersection with the Germantown Avenue beginning again at an intersection of Germantown Avenue and Allen's Lane thence southerly over Allen's Lane to an intersection with Lincoln Drive thence southerly on Lincoln Drive to an intersection with Cliveden Street thence southerly on Cliveden Street to an intersection with Park Lane thence over Park Lane to an intersection with Walnut Lane thence over Walnut Lane to an intersection with Ridge Avenue thence southerly on Ridge Avenue to the intersection of Park Drive and Ridge Avenue beginning again at the intersection of Allegheny Avenue and Ridge Avenue thence southerly on Ridge Avenue to an intersection with Twenty-ninth Street thence southerly on Twenty-ninth Street to an intersection with Girard Avenue thence easterly on Girard Avenue to an intersection with West College Avenue thence southerly on West College Avenue to an intersection with Twenty-fifth Street thence southerly on Twenty-fifth Street to an intersection with Pennsylvania Avenue thence southeasterly on Pennsylvania Avenue to an intersection with Spring Garden Street thence over Spring Garden Street to the intersection of Spring Garden Street and Delaware Avenue beginning again at the intersection of Pennsylvania Avenue and Twenty-fifth Street thence northwesterly on Pennsylvania Avenue to the intersection of Twenty-sixth Street thence northerly over Twenty-sixth Street to the intersection of Twenty-sixth Street and Girard beginning again at the intersection of Girard Avenue and Twenty-ninth Street thence westerly on Girard Avenue to an intersection with a park drive near Thirty-first Street beginning again at the intersection of Spring Garden Street and Pennsylvania Avenue thence westerly over Spring Garden Street to an intersection with a park drive a distance of about 11.00 miles

Beginning at a point on the Philadelphia City-Rockledge Borough line on Oxford Avenue thence southerly on Oxford Avenue to an intersection with Rising Sun Avenue thence southwesterly on Rising Sun Avenue to the intersection of Rising Sun Avenue and the Roosevelt Boulevard a distance of about 3.40 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Haverford Avenue thence southeasterly on Haverford Avenue to an intersection with Forty-second Street a distance of about 4.25 miles

Beginning at a point on the Philadelphia City-Delaware County line on Lansdowne Avenue thence northerly on Lansdowne Avenue to an intersection of Haverford Avenue beginning again at an intersection of Haverford Avenue and Girard Avenue thence easterly over Girard Avenue to an intersection with a park drive near Thirty-first Street thence southerly over the park drive to an intersection with the Parkway at Spring Garden Street a distance of about 4.80 miles

Beginning at a point on the Philadelphia City-Delaware County line on Seventy-first Street thence northerly on Seventy-first Street to an intersection with Lansdowne Avenue a distance of about 0.50 of a mile

Beginning at a point on the Philadelphia City-Montgomery County line on East Washington Lane thence southwesterly over East Washington Lane to an intersection with [Stenton Avenue thence southeasterly on Stenton Avenue to an intersection with Washington Lane thence southwesterly on Washington Lane to an intersection with Wayne Avenue thence northwesterly on Wayne Avenue to the intersection of Wayne Avenue and Lincoln Drive] a distance of about 3.20 miles] Ogontz Avenue beginning again at the intersection of Washington Lane and Stenton Avenue thence southeasterly on Washington Lane to an intersection with Wayne Avenue thence northwesterly on Wayne Avenue to the intersection of Wayne Avenue and Lincoln Drive a distance of about 2.42 miles

[Beginning at a point on the Philadelphia City-Montgomery County line on Ridge Avenue thence southeasterly

on Ridge Avenue to an intersection with Walnut Lane] [beginning again at the intersection of Allegheny Avenue and Hunting Park Avenue thence easterly over Allegheny Avenue to an intersection with Sedgley Avenue thence northeasterly on Sedgley Avenue to an intersection with Ninth Street thence southeasterly on Ninth Street to an intersection with Allegheny Avenue thence easterly over Allegheny Avenue to an intersection with Richmond Street] a distance of about [9.00] 4.24 miles]

Beginning at the Philadelphia City-Darby Borough line on Woodland Avenue thence northeasterly on Woodland Avenue to an intersection [with Island Avenue thence southeasterly on Island Avenue to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with Buist Avenue thence northeasterly on Buist Avenue to an intersection with South Sixty-third Street thence southeasterly on South Sixty-third Street to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with South Broad Street beginning again at the intersection of Washington Avenue and South Broad Street thence easterly on Washington Avenue to the intersection of Washington Avenue and Delaware Avenue] at Island Road thence southeasterly on Island Road to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with South Broad Street a distance of about [6.25] 4.57 miles

Beginning at a point on the boundary line between Delaware County and Philadelphia City on Marshall Road and extending in an easterly direction on Marshall Road to an intersection with Cobb's Creek Parkway a distance of 0.10 miles

Beginning at a point at the intersection of Roosevelt Boulevard and Aramingo Avenue thence southeasterly and southwesterly on Aramingo Avenue to Norris Street thence southeasterly on Norris Street to Dyott Street thence southeasterly on Dyott Street to Delaware Avenue thence southwesterly on Delaware Avenue to Swanson Street thence southwesterly on Swanson Street to Oregon Avenue thence southwesterly on Oregon Avenue to an intersection with Moyamensing Avenue a distance of 12.1 miles

Beginning at a point at the intersection of Tacony Street and Aramingo Avenue thence northeasterly along Tacony Street and State Road to an intersection with Levick Street a distance of about 1.3 miles

Beginning at a point on the Philadelphia City-Montgomery County line at the intersection with the Bethlehem Pike thence easterly on Stenton Avenue to an intersection with Stenton Avenue and Ogontz Avenue Beginning again at the intersection of North Broad Street and Godfrey Avenue thence in an easterly direction on Godfrey Avenue to an intersection of Godfrey Avenue and Adams Avenue thence over Adams Avenue to an intersection with Rising Sun Avenue a distance of 6.0 miles

Beginning at an intersection of Allegheny Avenue and Hunting Park Avenue thence in a southwesterly direction on Hunting Park Avenue to an intersection with East River Drive a distance of about .8 miles

Beginning at an intersection of Ridge Avenue and Vine Street thence in a southeasterly direction on Ridge Avenue to an intersection of Ridge Avenue with Race Street a distance of about 0.15 mile

Beginning at a point at the intersection of Island Road and Passyunk Avenue thence on Island Road in a southwesterly direction to an intersection with Penrose Avenue thence northeasterly over Penrose Avenue to an intersection with Eightieth Street a distance of about 2.30 miles

Beginning at a point on the Philadelphia City-Delaware County line on Essington Avenue thence northeasterly and northerly on Essington Avenue to an intersection with Passyunk Avenue a distance of 3.1 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Ridge Avenue thence southeasterly on Ridge Avenue to an intersection with Ridge Avenue and Henry Avenue and thence southeasterly on Henry Avenue to an intersection with Walnut Lane a distance of about .75 miles

Provided however that no part or portion of any street hereinbefore described shall be taken over as a State high-

way under the provisions of this act until after such part or portion shall have been legally opened by the city authorities in the same manner as other streets are now opened which form a part of the same route as herein described or an agreement shall have been entered into between the Commonwealth and city for such opening.

Section 3 The city streets of sections thereof hereinbefore described shall be taken over by the Commonwealth through the Department of Highways not later than the first day of January [one thousand nine hundred thirty-eight] one thousand nine hundred forty-two subject however to the following exceptions

(a) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if an order or decree for the improvement thereof has been issued until there has been full compliance with the terms of such order or decree

(b) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or the city authorities or both until the contract has been completed

(c) No city street or part thereof described in section two of this act shall be taken over if an agreement has been entered into between the city authorities and any party other than the Commonwealth [or any other party] for the maintenance or construction of such street even though no formal contract has been executed pursuant to such agreement and no work has been done until the terms of the agreement have been fulfilled

Section 4 This act is not intended and shall not be construed

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth but such duty shall be and remain the obligation of the cities

[(b) To place upon the Commonwealth any obligation for the maintenance construction reconstruction or resurfacing of said streets other than the base or surface courses

(c) To place upon the Commonwealth through the Department of Highways any obligation to maintain construct reconstruct any structure of any kind or character whatsoever situate upon or forming part of any city street or section thereof described in section two of this act except that the Secretary of Highways may assume the obligation to maintain construct or reconstruct drainage structures with a total spanned length not exceeding ten feet measured along the center line of the street other than storm or sanitary sewers and which were the sole obligation of the city prior to the passage of this act Responsibility for the construction reconstruction and maintenance of any other structures shall remain with the city person association or corporation responsible therefor at the date of the approval of this act

(d) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing or the alteration or reconstruction of an existing overhead or under grade crossing on any street described and designated in section two of this act and no such assessment shall hereafter be made under any act of Assembly heretofore enacted

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter [granted by the city to any public utility company nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted]

[(f)] (b) To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of the streets or sections thereof taken over by the Commonwealth for maintenance or improvement under the provisions of this act Provided however That the Department of Highways shall be and is hereby authorized to close to traffic all of the streets or sections thereof described in section two of this act during such time as improvements are being made thereon and in such case the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act

Section 5 After the streets described in section two of this act shall have been taken over by the Commonwealth they shall be maintained constructed reconstructed [and] resurfaced "and repaired by the Department of Highways at the expense of the Commonwealth and such construction reconstruction and resurfacing shall be of such type as shall be determined by the Secretary of Highways with the approval of the Governor and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways [The obligation of the Commonwealth in the construction reconstruction resurfacing or maintenance as hereinbefore provided shall be limited to that part of the street or section thereof between curb lines as established at the time of passage of this act but shall not include the portions of such streets which are or may be used and occupied by the structures or surface facilities of any public utility company] Provided however That nothing in this section shall be construed to place upon the Commonwealth any obligation to repair and maintain the curbing and footways of any such street And provided further That it shall nevertheless be lawful for the Department of Highways to enter into agreements in the discretion of the Secretary of Highways with the cities or with persons associations or corporations for the sharing with the Commonwealth of the cost of construction reconstruction or resurfacing of the streets or sections thereof taken over by the Commonwealth under this act The Secretary of Highways is authorized prior to and for the purpose of the construction reconstruction or improvement of any such street or section thereof to enter into agreements with any city of the first class for the revision or change of the lines widths and grades thereof as hereinafter provided

Section 6 The maintenance of said streets authorized under the provisions of this act shall not include snow removal or street clearing [and shall be limited to the portions of the street between existing curb lines available to vehicular traffic]

Section 7 [The Department of Highways shall not change the width lines or grades of the streets taken over under the provisions of this act or any section thereof but such changes as may be approved or recommended] [by the Secretary of Highways shall be made by the city as heretofore by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment of any damages which may be occasioned thereby in the manner provided by law such damages to be ascertained and paid in accordance with the laws applicable thereto] Whenever the Secretary of Highways shall deem it necessary or desirable that the lines widths or grades of any such street or section thereof be revised or changed prior to and for the purpose of facilitating the construction reconstruction or improvement of any such street the Secretary of Highways may with the approval of the Governor enter into agreements with any such city within the limits of which such streets or section thereof to be constructed reconstructed or improved are located for the revision and change of lines widths and grades of such street or section thereof and such revision and changes shall be made by such city on the city plan in accordance with the law and procedure applicable thereto

Section 2 That after Section 15 of the said act the following new sections are hereby added

Section 16 The type of improvement shall include opening widening and change of grade on any street or section thereof clearing grading demolition removal of existing paving repaving surfacing the construction of traffic islands circle or other traffic channelizations the construction of storm water conduits drains and gutters culverts bridges viaducts and retaining walls curbing and recurbing the paving and repaving of sidewalks the planting of trees and shrubs seeding and sodding street and traffic signs traffic signals and conduits and lighting fixtures for same and such other work excepting water pipe and sanitary sewers as may be necessary fully and satisfactorily to complete such improvement

Section 17 The Secretary of Highways with the approval of the Governor and any such city of the first class are hereby authorized to enter into agreements for the taking opening relocation widening or change of grade by the Commonwealth of any State highway or section thereof within the limits of such city Such agreements may provide inter alia for the payment by the city of all or part of the property damages resulting by reason of the taking opening relocation widening or change of grade by the Commonwealth of such highway or section thereof

The amount of damages payable for such taking opening relocation widening or change of grade by the Commonwealth shall be ascertained in accordance with existing laws relating to the payment of damages for the taking opening relocation widening or change of grade of State highway routes Each city of the first class is hereby appointed and constituted the agent of the Commonwealth in the taking opening relocation widening or change of grade of any such highway or section thereof within its limits and in the determination of property damages payable therefor under the provisions of this act The city as agent for and on behalf of the Commonwealth shall determine by amicable settlement legal proceedings or otherwise all claims for damages in accordance with the procedure established by law for the determination of damages resulting from the exercise of eminent domain by cities of the first class provided however that no agreement for the settlement of any claim for damages shall become effective until approved by the Secretary of Highways and the Secretary of Highways shall at the expense of the Commonwealth have the right to be represented by counsel and witnesses in any judicial proceedings to ascertain the damages payable but all other expenses of such judicial proceeding exclusive of damages shall be paid by the city The damages resulting from such taking opening relocation widening or change of grade of any such street or section thereof when finally ascertained whether by settlement award judgment or otherwise shall be paid out of moneys in the Motor License Fund and all sums if any due by such city as its share thereof under any such agreement with the Commonwealth shall be paid by such city to the Commonwealth and shall be credited in the Motor License Fund

Section 18 The net expenditure of Commonwealth funds from the Motor License Fund or otherwise for the purposes of this act over and above the amounts paid by any city to the Commonwealth shall not exceed the sum of twelve million dollars (\$12,000,000) in any one year

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geitz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 992, (House Bill No. 1590), as follows:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum Philadelphia

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-seven thousand dollars (\$27,000) is hereby specifically appropriated to the Board of Trustees of the Philadelphia Museum Philadelphia for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of maintenance to be paid according to law

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanlus,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 993, (House Bill No. 1591), as follows:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thousand dollars (\$100,000) is hereby specifically appropriated to the Pennsylvania Museum and School of Industrial Art Philadelphia for the two fiscal years beginning June first one thousand nine hundred and forty-one for maintenance and the purchase of apparatus supplies and equipment

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanlus,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1043, (House Bill No. 571), on third reading, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1050, (House Bill No. 305), as follows:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 A appropriation is hereby made to the Elwyn Training School of Elwyn in the County of Delaware Commonwealth of Pennsylvania for the maintenance and clothing of six hundred (600) wards of the State at three hundred and ninety dollars (\$390) per capita per annum and the sum of four hundred and sixty-eight thousand dollars (\$468,000) or so much thereof as may be necessary is hereby specifically appropriated to the said institution for the purpose stated to cover the two fiscal years beginning June first one thousand nine hundred and forty-one.

Section 2 The appropriation made by section one of this act is made on the condition that each and every mental defective admitted to the Elwyn Training School

after the effective date of this act as a ward of the Commonwealth.

1 Shall be selected by the Department of Welfare from a list submitted from time to time to the department by the board of directors of the school.

2 Shall have been previously investigated by the Department of Revenue for the purpose of determining the extent if any such mental defective or those legally liable for his or her support may be financially able to pay the cost of the maintenance of such person in the school.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1057, (House Bill No. 267), as follows:

An Act making an appropriation to aid certain school districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three million dollars (\$3,000,000) is hereby specifically appropriated to the Department of Public Instruction for the purpose of aiding financially handicapped and distressed school districts in such sums and in such manner as the Superintendent of Public Instruction shall determine and for defraying the necessary cost for the administration thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1059, (House Bill No. 472), as follows:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Health for the use of the Land Grant College of Pennsylvania engaged by the department for the purpose of advancing research in human nutrition for children so as to continue the work now in progress in certain areas and in order that this research work may be extended into other areas The Department of Health shall commission this research to said Land Grant College and remain in an advisory capacity so as to benefit and be directed in its work by such findings as may ensue The moneys so appropriated shall be advanced to the Land Grant College of Pennsylvania at such time or times and in such amount or amounts as the college shall request

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1068, (House Bill No. 1234), as follows:

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing the township commissioners from time to time to make supplemental appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand seven hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by the act approved the eighteenth day of July one thousand nine hundred thirty-five (P. L. 1176) is hereby further amended to read as follows

Section 1701 Annual Budget Regulation of Appropriations The board of township commissioners of townships shall each year within sixty days after the first Monday of January and at least thirty days prior to the adoption of the annual budget prepare a proposed budget showing an estimate of the several amounts of money which will be required for the several specific purposes of township government and expenses during the current fiscal year and by ordinance appropriate out of the revenues available for the year the specific sums required as shown by the budget as finally adopted The tax levied by the township authorities shall be fixed at such figure within the limit allowed by law as with all other sources of revenue will meet and cover said appropriations The total appropriation shall not exceed the revenues available for the fiscal year If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the current fiscal year an appropriation may be made for the payment of township orders or indebtedness of the previous years

The budget shall be prepared on a uniform form prepared and furnished as provided in section one thousand seven hundred and one A of this act Final action shall not be taken on the proposed budget until after at least ten days' public notice The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The township commissioners after making such revisions and changes therein as appear advisable shall adopt the budget

The township commissioners may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not appropriated to any other purpose including the proceeds of any borrowing now or hereafter authorized by law

The township commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending account to another but such action shall be taken only during the last nine months of the fiscal year

Within fifteen days after the adoption of the budget the township commissioners shall file a copy of the same in the office of the Department of Internal Affairs

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr.	DiSilvestro,	Letzler,	Tallman,
Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	McQuiddy,	Tyler,
Cavalcante,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Detrick,	Jaspan,	Stevenson,	Ziesenheim,
Dent,	Lanlus,	Stiefel,	

NAYS—1

Shapfro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1069, (House Bill No. 1236), as follows:

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the township supervisors from time to time to make supplemental appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1738) is hereby further amended to read as follows

Section 902 Annual Budget (1) The board of township supervisors of townships of the second class shall annually before their organization meeting in January or as soon thereafter as practicable and at least thirty days prior to the adoption of the annual budget prepare a proposed budget or annual estimate of revenues and expenditures for the fiscal year beginning on the first Monday of January which shall be filed with the treasurer in all townships in which the estimated expenditures in the budget exceed five thousand dollars (\$5,000) the budget shall be prepared on a uniform form prepared and furnished as hereafter provided The estimate in the budget for the purpose of aiding the board in determining how much road and other taxes to levy shall specify

(a) The amount of money necessary for the maintenance repair and improvement of highways including sluices

(b) The amount of money necessary for the repair and construction of culverts and bridges

(c) The amount of money necessary for the purchase hire repair and custody of tools implements and machinery

(d) The amount of money necessary for each other governmental activity of the township for which a special tax levy may or may not be authorized

(e) The amount of money necessary for the payment of debts or other miscellaneous purposes

(2) Upon the preparation of a proposed budget in which the estimated expenditures exceed five thousand dollars (\$5,000) the supervisors shall either give public notice of the detailed contents thereof or of the fact that the proposed budget will be available for public inspection at a designated place in the township After the expiration of twenty (20) days following the giving of public notice of the detailed contents of the budget or after the budget has been available for twenty (20) days as herein provided such supervisors shall after making such revisions therein as appear advisable adopt the budget and the necessary appropriation measures required to put it into effect In townships in which the estimated expenditures do not exceed five thousand dollars (\$5,000) the supervisors shall as soon as possible after the expiration of thirty days following the preparation of the proposed budget adopt the budget and the necessary appropriation measures required to put it into effect

(3) The total appropriation shall not exceed the revenues estimated as available for the fiscal year. In all townships in which the estimated expenditures in the budget exceed five thousand dollars (\$5,000) the board of supervisors shall within fifteen days after the adoption of the budget file a copy of the same in the office of the Department of Internal Affairs.

(4) The supervisors may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated including the proceeds of any borrowing now or hereafter authorized by law. Such supplemental appropriations may be made whether or not an appropriation for the same purpose was included in the original budget as adopted except that no supplemental appropriation shall be made for any purpose in respect to which the court on an appeal pursuant to section nine hundred eight of this act has ordered a specific reduction or elimination of an item of the original budget for the same purpose.

(5) The supervisors may by resolution transfer unencumbered moneys from one road tax account to another but no moneys shall be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy for a particular purpose. Such transfers shall not be made during the first three months of the fiscal year. No money shall be paid out of the township treasury except upon appropriations made according to law.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Letzler,	Tallman,
Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	McQuiddy,	Tyler,
Cavalcante,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Deitrick,	Jaspan,	Stevenson,	Ziesenheim,
Dent,	Lanius,	Stiefel,	

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

ERRATUM

The PRESIDENT. The Chair is advised Senate Bill No. 1084, Printer's No. 495, appears on page 13 of the Calendar by error, as the bill is in committee.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1098, as follows:

An Act relating to the sale transfer assignment and

pledge accounts receivable and requiring the assignor of accounts receivable to make appropriate record of the fact of such assignment and prescribing penalties for failure to do so.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Every person who shall sell assign transfer pledge or otherwise dispose of accounts receivable shall make or cause to be made forthwith and contemporaneously with such sales assignments transfers or pledges appropriate record of such sales assignments transfers or pledges upon his ledger books of account or other record evidencing or showing such indebtedness the name of the person to whom such accounts receivable have been sold assigned transferred or pledged and the date thereof. Such record shall be made in such manner as will disclose to any person upon an inspection of such ledger books of account and records the fact of such sale assignment transfer or pledge.

Section 2 All sales assignments transfers or pledges of accounts receivable made in conformity with Section 1 of this act shall be valid in law as and enforceable against all subsequent purchasers assignees transferees pledgees execution attaching or other creditors to the extent of the monetary value of the consideration passing for the same at the times of the said sales assignments transfers or pledges notwithstanding the fact that notice of such sales assignments transfers or pledges has not been given to the person or persons indebted or obligated to pay the said accounts receivable.

Section 3 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1123, (House Bill No. 1233), as follows:

An Act to amend section three hundred seventy of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing the county commissioners from time to time to make supplemental appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred seventy of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" which was added by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1184) is hereby amended to read as follows

Section 370 Annual Budget Control of Expenditures The controller or the county commissioners where there is no controller shall annually prepare a proposed budget for the next fiscal year at least thirty days prior to the adoption of the budget Said budget shall be prepared on forms furnished as provided in section three hundred seventy point one of this act Final action shall not be taken on the proposed budget by the county commissioners until after at least ten days' public notice The proposed budget shall be published or otherwise made available for public inspection by all persons who may interest themselves at least twenty days prior to the date set for the adoption of the budget The county commissioners shall after making such revisions and changes therein as appear advisable adopt the budget and necessary appropriation measures required to put it into effect

Within fifteen days after the adoption of the budget the county commissioners shall file a copy of the same in the office of the Department of Internal Affairs.

The county commissioners may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated including the proceeds of any borrowing now or hereafter authorized by law

The county commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no orders issued for the payment of any moneys by the county commissioners which will cause the sums appropriated to be exceeded

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Barr,	DiSilvestro,	Letzler,	Tallman,
Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	McQuiddy,	Tyler,
Cavalcante,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Deitrick,	Japan,	Stevenson,	Ziesenheim,
Dent,	Lanius,	Stiefel,	

NAYS—1.

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1124, (House Bill No. 1235), as follows:

An Act to further amend section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government and institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing the commissioners of any county institution district from time to time to make supplemental appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" as amended by the act approved the twentieth day of June one thousand nine hundred thirty-nine (P. L. 516) is hereby further amended to read as follows

Section 309 Budget and Financial Requirements The Commissioners of every county institution district shall annually at least thirty days prior to the adoption of the annual budget prepare a proposed budget of the amount of funds that will be required by the district in its several departments for the ensuing fiscal year. Such proposed budget shall be prepared on a uniform form prepared and furnished as provided in this act and shall be apportioned to the several classes of expenditures of the district as the commissioners may determine Final action shall not be taken on any proposed budget until after at least ten days' public notice The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The commissioners after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the commissioners shall file a copy of the same in the office of the Department of Internal Affairs.

The commissioners may at any time by resolution make

a supplemental appropriation for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated including the proceeds of any borrowing now or hereafter authorized by law

The commissioners shall have power to authorize the transfer within the same fund of any unencumbered balances or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys by the commissioners in any amount which will cause the sums appropriated to specific purposes to be exceeded

[In the year one thousand nine hundred and thirty-nine the commissioners of any county, institution district having an institution for the care and maintenance of mental patients transferred to the Commonwealth under the act approved the twenty-ninth day of September one thousand nine hundred and thirty-eight (P. L. 53) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of] [such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" shall have power to adopt a supplemental budget to any annual budget theretofore adopted for the amount of funds that will be required by such district to operate such institution for that proportion of the year one thousand nine hundred and thirty-nine not provided for in the regularly adopted annual budget and for the purpose of providing funds for the expenditures set forth in such supplemental budget may borrow moneys in accordance with section three hundred eight hereof]

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Barr,	DiSilvestro,	Letzler,	Tallman,
Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	McQuiddy,	Tyler,
Cavalcante,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Detrick,	Jaspan,	Stevenson,	Ziesenheim,
Dent,	Lanius,	Stiefel,	

NAYS—1.

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1134, (House Bill No. 220), entitled:

An Act to amend section four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" requiring the Department of Highways to take over structures bridges and viaducts on State highways in cities of the third class

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. COLEMAN. Mr. President, I ask unanimous consent to offer the following amendments:

Amend the title, page 2, line 12, by inserting after the word "second" a bold face bracket; amend the title, page 2, line 13, by striking out after the word "and" the bold face bracket; amend section 4, sub-section (c), page 4, line 9, by inserting after the word "the" and before the word "third" the following: "second class A and."

The PRESIDENT. Is there objection? The Chairs hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1138, (House Bill No. 502), as follows:

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania certain land which is the

site of an old fortress known as Old Garrison in the City of Franklin Venango County or so much thereof as may be necessary as a historical memorial providing for the control management supervision and improvement thereof authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 For the purpose of perpetuating the stirring memories of the occupation of northwestern Pennsylvania by the forces of France and the building of the fortress known as Old Garrison in 1796 the Department of Property and Supplies with the approval of the Pennsylvania Historical Commission is hereby authorized to acquire by purchase or gift on behalf of the Commonwealth of Pennsylvania so much of that land located in the City of Franklin Venango County upon which is located the site of Old Garrison as may be deemed necessary in order to properly erect and maintain a suitable historical memorial and park The exact amount and location of the land to be acquired shall be determined by the Pennsylvania Historical Commission

Section 2 The Pennsylvania Historical Commission after said property has been acquired is hereby authorized to cooperate with the Daughters of the American Revolution and other interested patriotic societies of the Nation and Commonwealth in providing for the proper and authentic restoration of a replica of said Old Garrison and the maintenance of a suitable park providing a setting for this historical shrine

Section 3 The Pennsylvania Historical Commission after said property has been acquired shall make and enforce rules and regulations for the preservation visitation and maintenance thereof and in cooperation with the Daughters of the American Revolution shall so establish these regulations as to make possible the permanent maintenance of the memorial as a historical patriotic and educational center serving constantly to remind the Americans of the historical role of Pennsylvania in the French and Indian War and the monumental services of George Washington and the founding of our Republic

Section 4 The Pennsylvania Historical Commission is hereby specifically authorized to cooperate with the Daughters of the American Revolution and other patriotic societies in providing for said restoration and to accept any and all moneys which may be raised by public or private subscription through the efforts of said patriotic societies for the purpose of assisting in the erection and maintenance of the Old Garrison memorial Provided That such moneys shall be accepted by the Pennsylvania Historical Commission in trust and administered in accordance with the statutes providing for the powers and duties of said commission

Section 5 The sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the acquisition of the aforementioned site in the City of Franklin Venango County

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deitrick,
Dent,

Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Lanius,

McCreesh,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,
Stevenson,

Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Zlesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

MOTION TO POSTPONE BILL

Mr. GELTZ. Mr. President, I request that further consideration of Senate Bill No. 1139, (House Bill No. 605), on third reading be postponed for the present.

On the question,

Will the Senate agree to the request?

Mr. COLEMAN. Mr. President, I wonder if the majority floor leader would be kind enough to permit me to amend the bill and then place it on the postponed Calendar.

I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. COLEMAN. Mr. President, will the gentleman from Allegheny permit me to amend the bill?

REQUEST WITHDRAWN

Mr. GELTZ. I have no objection, Mr. President. I withdraw my request that it be placed on the postponed Calendar.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1139, (House Bill No. 605), entitled:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof under the supervision of the Department of Mines for the purpose of developing new uses and markets for anthracite and bituminous coal.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. COLEMAN. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Section 1, page 1, line 1, by striking out the bold-faced brackets before the word "one" and after the word "hundred"; amend Section 1, page 1, line 1, by striking out before the word "thousand" the following: "fifty"; amend Section 1, page 1, line 2, by striking out the bold-faced brackets before and after "\$100,000"; amend Section 1, page 1, line 2, by striking out before the word "or" the following: "\$50,000."

Barr,
Bartlett,

DiSilvestro,
Ealy,

Letzler,
Mallery,

Stiefel,
Tallman,

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 1139, (House Bill No. 605), on third reading, be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1142, (House Bill No. 723), on third reading, entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, this bill becomes effective on the first of June, 1941.

It seems to me that this involves a retirement fund and I am not so sure that this bill ought to remain in its present condition. It is retroactive and it is for that reason I have asked that it go over in order until we have a chance to check on it.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1148, (House Bill No. 1441), as follows:

An Act to amend routes 52037 and 52044 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing certain routes in the county of Potter

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Routes 52037 and 52044 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as added by section two of the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 806) are hereby amended to read as follows

Route 52037 Beginning at a point on Route 103 about 0.5 of a mile east of an intersection with Route 236 and extending in a northeasterly westerly and southwesterly direction through Eulalia Allegany and Hebron Townships via Ford Hill Corners to a point on Route 236 about 1.15 miles southeast of Hebron Centre in Potter County a distance of about [6.4] 7.5 miles

Route 52044 Beginning at a point on Route 52033 about 1.3 miles northwest of the northern terminus of State-aid Application 4809 and extending in a northwesterly and northerly direction through Harrison Township to the intersection of [Routes 52032 and 52034 at] Route 52032 about 0.6 of a mile west of White's Corners in Potter County a distance of about [2.6] 3.1 miles

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1149, (House Bill No. 1457), as follows:

An Act establishing certain public roads in Porter Township Clarion County and Mahoning Township Armstrong County as a State highway providing for their construction and maintenance by the Department of Highways and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sections of public roads shall be adopted by the Commonwealth as a State highway and shall be constructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing State highways and their construction and maintenance

Beginning at a point near a cemetery thence in a general northeasterly direction through Mahoning Township to the village of Climax in Armstrong County thence in a northerly direction through Porter Township to a point on Route 16005 at Goheens Corners in Clarion County a distance of about 4.4 miles

Section 2 So much of the money in the Motor License Fund as may from time to time be needed to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for such purposes

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1159, (House Bill No. 1570), on third reading, entitled:

An Act authorizing the Department of Property and Supplies to have a certain number of copies printed of the Report of the Joint State Government Commission on the Organization and Administration of Pennsylvania's State Government providing for the distribution and sale of such copies imposing new duties on the Joint State Government Commission and making an appropriation

be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1161, (House Bill No. 1659), as follows:

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the

Commonwealth and that department in favor of certain persons associations and corporations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eleven thousand five hundred dollars (\$11,500) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Revenue for the payment of accounts duly settled against the Commonwealth and that department in favor of certain persons associations and corporations by the Auditor General and State Treasurer in the manner provided by law

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 1169, on third reading, entitled:

An Act to further amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of public assistance to unemployable persons; substituting the Department of Welfare for the Department of Public Assistance, abolishing the Department of Public Assistance and the State Board of Public Assistance and imposing certain duties in respect to employable persons on the Department of Labor and Industry

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1194, (House Bill No. 1121), as follows:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to carry into effect the act of Congress approved July second one thousand eight hundred and sixty-two granting public land to the several states for educational purposes and subsequent acts of Congress related thereto and the act of the Legislature of Pennsylvania approved April first one thousand eight hundred and sixty-three and subsequent acts of the Legislature of Pennsylvania accepting the provisions and conditions of said acts of Congress and pledging the faith of the State to carry the same into effect the sum of five million five hundred nine thousand five hundred forty-five dollars (\$5,509,545) is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and forty-one to the Trustees of the Pennsylvania State College for the following purposes

For the general maintenance of instruction research and extension in the School of Agriculture the Mont Alto State Forest School the School of Engineering the School of the Liberal Arts the School of Mineral Industries the School of Chemistry and Physics the School of Education the Graduate School the School of Physical Education and Athletics for the general maintenance of other schools departments offices and services including repairs and improvements to the grounds and buildings service of light heat power water and sewage disposal salaries and wages materials supplies equipment books and periodicals insurance and interest and such other expenditures as the trustees may deem necessary and practicable.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stiefel.
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lantus,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1209, (House Bill No. 1722), as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania the whole or any portion of a certain tract of land of approximately fifty-one (51) acres now owned by the Graham Estate situated in Conewango Township Warren County Pennsylvania and contiguous to the west side of the present property of said hospital so as to make possible the use of said lands for the purpose of taking sand and gravel for walks drives and other maintenance operations for said hospital

Section 2 Said tract of land when purchased shall be added to the lands of the Warren State Hospital The deeds of conveyances shall be deposited with the Secretary of Internal Affairs

Said lands shall not be acquired until the titles thereto have been approved by the Department of Justice

Section 3 The sum of three thousand dollars (\$3,000) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of land and the expenses incidental thereto including title searches

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel.
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Lantus,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1210, (House Bill No. 1729), entitled:

An Act to further amend section seven of and to add section fourteen and one-tenth to the act, approved the

seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled, as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans; assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," prohibiting the construction maintenance or operation of facilities, works, and improvements for the generation or development of power and authorizing the Secretary of Highways and the various political subdivisions, with the approval of the Water and Power Resources Board, to grant easements and flowage rights to the Federal Government, over certain highways, roads, streets and bridges.

And said bill having been read at length the third time,
And the amendments made thereto having been printed
as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CROWE. Mr. President, I ask unanimous consent to introduce amendments.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, may we be at ease for a moment?

(The Senate was at ease)

AMENDMENTS WITHDRAWN

Mr. CROWE. I withdraw the amendments, Mr. President.

BILLS OVER IN ORDER

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 1210, (House Bill No. 1729), on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1215, on third reading, entitled:

A Supplement to the act, approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act No. 12A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

REPORTS FROM COMMITTEES

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 1281, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania.

Mr. BARTLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARTLETT, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1257, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1016), entitled "An act relating to aeronautics; providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth; providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth; conferring powers and duties on the Department of Revenue with respect thereto; and repealing certain acts and parts of acts," by extending the powers of the department in relation to air transport facilities.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 210, (House Bill No. 152), entitled:

An Act to amend section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 984) entitled "An act relating to transactions between a person acting on his own behalf and the same person acting jointly with others and to make uniform the law relating thereto" by authorizing conveyances from either husband or wife to husband and wife as tenants by the entireties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 541, (House Bill No. 650), entitled:

An Act to amend section seven of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons

associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the motor license fund for the purposes of this act" as last amended by providing for the changing of width lines location or grades of streets in cities of the second class second class A and third class by the Department of Highways without the consent of the city in which said street is located relieving the city from liability for damages in such cases and imposing liability for damages upon the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 707, (House Bill No. 1023) on second reading, entitled:

An Act prohibiting employers from directly or indirectly offering for sale selling procuring for sale having in possession or under control for sale to employees or others any merchandise not produced by employers or not handled in the regular course of employer's business providing exceptions thereto declaring such prohibited sales to be unfair competition and repealing prior inconsistent legislation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 890, (House Bill No. 139) on second reading, entitled:

An Act to amend section one of the act which became effective on the seventh day of July, one thousand eight hundred and seventy-nine (P. L. 194), entitled "An act to enlarge the jurisdiction of justices of the peace, and regulating the fees of constables making sales under this act," further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 924, (House Bill No. 1035), entitled:

An Act to further amend clause ten of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining uses and purposes thereof and the manner of payments therefrom and providing for the

guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits rights from taxation and judicial process and providing penalties" further defining "new member."

And said bill having been read at length the second time and agreed to,

BILL POSTPONED

Mr. JAMES. Mr. President, I move that further consideration of Senate Bill No. 924, (House Bill No. 1035), on third reading, be postponed for the present.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1071, (House Bill No. 1380); entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1137, (House Bill No. 389), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Farview State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1162, House Bill No. 1660, entitled:

An Act to amend section seven hundred and thirty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by authorizing the furnishing of certain confidential information to other states and the United States.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1197, (House Bill No. 1263), entitled:

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1212, (House Bill No. 1760), entitled:

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal, directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employees and expend funds; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1233, (House Bill No. 1483), entitled:

An Act to repeal the act approved the sixteenth day of January one thousand seven hundred and ninety-nine (3 Sm Laws page 338) entitled "An act to declare Frankford Creek a public highway."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. FARRELL. Mr. President, I ask unanimous consent that Senate Bill No. 1236, (House Bill No. 1585), on second reading, entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1252, (House Bill No. 1837), entitled:

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interest and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission

the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations except municipal corporations subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violation of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1256, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain plots of land.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 106-, (HOUSE BILL No. 1232), ON THIRD READING POSTPONED CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1067, (House Bill No. 1232), on third reading, postponed, on page 32 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1067, (House Bill No. 1232), as follows:

An Act to further amend section one thousand eight hundred and four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" authorizing the council in such cities from time to time to make supplemental appropriations The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand eight hundred and four of the act approved the twenty-third day of June one

thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1180) is hereby further amended to read as follows

Section 1804 Regulations Concerning Appropriation No debt shall be created by any department of the city except in pursuance of previous authority of law ordinance or resolution No money shall be paid out of the city treasury except upon appropriation made according to law and on warrant drawn by the proper officer in pursuance thereof No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys in any amount which will cause the sums appropriated to specific purposes to be exceeded In every case in which an appropriation shall be exhausted and the object of which is not completed the director of accounts and finance shall immediately report the fact to the city council and accompany such report with a statement of the moneys which have been drawn on such appropriation and the particular purpose for which they were drawn The council may at any time by ordinance make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not appropriated to any other purpose including the proceeds of any borrowing now or hereafter authorized by law The council shall have the power to authorize the transfer within the same fund of any unexpended balance or any portion thereof from one spending agency to another but such action shall be taken only on the recommendation of a director of one of the departments and only during the last nine months of the fiscal year

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Detrick,	Jaspan,	Stevenson,	Woodward,
Dent,	Lanius,		Ziesenheim,

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RESOLUTION OFFERING CONDOLENCES ON DEATH OF HONORABLE JOHN JOSEPH SHAW

Mr. SHAPIRO. Mr. President, I now desire to offer a resolution, which I will ask be unanimously adopted, on behalf of myself and my colleague, Mr. Geltz.

It is a extremely distasteful and distressing task which I have, because I have known the gentleman with whom this resolution is concerned for many years, and while I

differed with him politically in later years, many of us have, all of us have learned to respect his decency and his high standards, particularly in public life, and the sudden death of Doctor Shaw this morning has been a shock not only to me but to all of those who have known him. Therefore, Mr. President, Senator Geltz and myself present here in the Senate and in the House this resolution which we ask immediately be adopted.

Messrs. SHAPIRO and GELTZ. Mr. President, we ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. SHAPIRO and GELTZ offered the following resolution which was twice read, considered and agreed to:

In the Senate of Pennsylvania, June 24, 1941.

Whereas, The Citizens of the Commonwealth, and particularly the members of the Senate, have today been profoundly shocked at the sudden passing of the Honorable John Joseph Shaw, Secretary of Health of the Commonwealth of Pennsylvania; and

Whereas, To those of us who knew him, his passing brings a sense of profound loss, made more keen by the realization that the people of the Commonwealth of Pennsylvania will sorely miss the services of so eminent a man; and

Whereas, during the short span of his fifty-three years, Dr. Shaw exemplified those great qualities of tolerance and humanity with which every true American is endowed; and

Whereas, During his term of office, he set aside petty political considerations in the conduct of his highly important office in this Commonwealth; and

Whereas, As Secretary of Health of the Commonwealth of Pennsylvania, his expert guidance made Pennsylvania preeminent in its care and treatment of persons afflicted with tuberculosis; and

Whereas, For his public service and his great achievements, he was recently signally honored by the University of Pennsylvania, and Temple University having conferred upon him the degree of Doctor of Science; and

Whereas, His entire adult life was devoted to the development of the physical well-being of the citizens of this Commonwealth, regardless of the personal sacrifice such devotion to his ideal entailed; and

Whereas, His entire medical career was spent in a rigid observance of the Oath of Hippocrates, which he took on becoming a physician; and

Whereas, That his interests extend beyond the State, is exemplified by the fact that he was an active member of the American Medical Society and American Public Health Association, as well as an active and guiding member of the Medical Society of the State of Pennsylvania, and the Philadelphia County Medical Society; and

Whereas, The Senate feels an additional profound loss in his passing, because to us he was more than a member of the Governor's Cabinet, more than a great public servant, but that he was truly a courageous and sympathetic friend; be it therefore

Resolved, That the Senate of the Commonwealth of Pennsylvania marks with profound sorrow the passing of this great Pennsylvanian; and be it further

Resolved, That a copy of this resolution be mailed by the Secretary of the Senate to the family of the deceased, conveying thereby the profound sympathy of the Senate to them in their great bereavement.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 513, entitled:

An Act creating a commission to be known as the Pennsylvania Board of Tax Appeals; defining in part the powers and duties of such commission; abolishing the Board of Finance and Revenue of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Board of Tax Appeals the records, employes, property, and equipment of the Board of Finance and Revenue; authorizing the Pennsylvania Board of Tax Appeals to appear in and complete all pending proceedings, instituted before, by or against the Board of Finance and Revenue; providing that all decisions, orders, and rules and regulations of the latter board shall remain effective until repealed, changed or modified by the Pennsylvania Board of Tax Appeals, and transferring and appropriating to the Pennsylvania Board of Tax Appeals any unexpended balance of any existing appropriation to the Board of Finance and Revenue.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 580, (House Bill No. 405), entitled:

An Act to amend section three of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing that student apprentices shall receive credit toward their apprenticeship for time spent in military training not exceeding one year.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 736, entitled:

An Act to amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers; fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by adding subsection (d) authorizing departments, boards, or commissions to grant easements or rights of way upon, across, over, under or along lands of the Commonwealth,

under certain conditions, in the interest of National Defense.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 861, (House Bill No. 1036), entitled:

An Act to amend subsection (b) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 429), entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the orphans' court in connection therewith, and the fees therefore," by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent, the natural parent shall retain his or her status as such, and shall, for purposes of inheritance and devolution, be regarded as an adopting parent.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 863, (House Bill No. 1172), entitled:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by empowering counties to acquire real estate by lease purchase or gift for use as fairground authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fairgrounds including the appropriation of funds joint action with other political subdivisions the levy and collection of taxes the creation of county fair boards and the acceptance of State contributions

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 883, entitled:

An Act to enlarge the powers of the Navigation Commission for the Delaware River and its navigable tributaries with respect to the maintenance, operation and financing of a nautical school for the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 937, (House Bill No. 11), entitled:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the "Pennsylvania Board of Parole"; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employees; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other offi-

cers and employees thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor and for other cognate purposes; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1096, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by basing the tax upon the book value of the shares; continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1097, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred and ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation," by redefining the base for taxation of shares of stock of banks and savings institutions, and by increasing the rate of tax for a further limited period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1109, (House Bill No. 957), entitled:

An Act to amend the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employees retirement system in counties of the third class; and imposing certain charges on counties, extending and further regulating such retirement systems.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1116, entitled:

An Act to further amend section two thousand one hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by providing as to the hours of service of certain regularly employed drivers and firemen of volunteer fire departments having ten or more drivers in cities of the third class, where such persons are paid directly or indirectly by the city or by granting gratuities to the respective volunteer companies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1118, (House Bill No. 637), entitled:

An Act to further amend the title and section one of the act approved the third day of May one thousand nine hundred and nine (P. L. 424) entitled "An act providing that in all counties having more than five hundred thousand inhabitants advertisements and notices required by law or rules of court to be published in newspapers of general circulation unless dispensed with by special order of court shall be published in the legal newspaper issued at least weekly of the proper county designated by rules of court for the publication of court or other legal notices" as amended extending the provisions of the said act to counties of the sixth class

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1121, (House Bill No. 909), entitled:

An Act to further amend section three hundred three of and to add section three hundred seven of the act approved the twenty-fifth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by providing for the appointment of assistant managers in Pennsylvania Liquor Stores and by establishing minimum salaries for certain employes of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1151, (House Bill No. 1488), entitled:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service

of the United States during a national emergency under licenses or registrations issued by the Department of Public Instruction and brokers licenses issued by the Department of Insurance to practice professions or to work at trades or occupations and providing for renewals after discharge from such service

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1185, (House Bill No. 1716), entitled:

An Act to further amend sections three and ten of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled, as amended "An act imposing a State tax, payable by those herein defined as manufacturers and by others, on malt or brewed beverages used, sold transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of malt or brewed beverages taxable hereunder; and providing penalties," by prescribing malt beverage tax rates for certain original containers or standard fractions thereof; and providing for refunds of tax for malt or brewed beverages sold to commissaries, ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1190, entitled:

An Act making an appropriation to the Department of Public Instruction for the cost of improving, repairing, operating and maintaining the Thaddeus Stevens Industrial School at Lancaster, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1191, (House Bill No. 361), entitled:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capital City

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1199, (House Bill No. 1420), entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assess-

ment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon personal property held and managed in this Commonwealth owned held or possessed by residents as trustees agents or attorneys-in-fact jointly with one or more trustees agents or attorneys-in-fact domiciled in another state and by imposing the tax upon equitable interests of residents in personal property held and managed in another state where the legal title to such personal property is held by more than one trustee agent or attorney-in-fact one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth and exempting casualty insurance companies having no capital stock from the tax imposed by this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1205, (House Bill No. 1611), entitled:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth; and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owner.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1217, (House Bill No. 1798), entitled:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1224, (House Bill No. 1013), entitled:

An Act to repeal section five of the act approved the fourth day of May one thousand nine hundred and five (P. L. 385) entitled "An act creating the Water Supply Commission of Pennsylvania defining its duties fixing the scope of its authority and powers and making an appropriation for the payment of salaries and expenses connected therewith" prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1229, (House Bill No. 1286), entitled:

An Act relative to the employment of females in hotels, taverns, saloons and eating houses for the mixing or sale of alcoholic drinks, and the penalty for violation thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1237, (House Bill No. 1643), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for the manner of payment of escheator's fees informant's commissions and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat designating the funds to which such moneys shall be credited and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1241, (House Bill No. 1719), entitled:

An Act to add clause (k) to section two thousand one hundred two and to repeal clause (d) of section two thousand one hundred ten of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health to conform with the provisions of the Public Utility Law.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1242, (House Bill No. 1721), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire a certain tract of land for the use of Pennsylvania Industrial School and making an appropriation therefore.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1243, (House Bill No. 1738), entitled:

An Act to amend Route 22045 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1244, (House Bill No. 1739), entitled:

An Act to amend Route 38043 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1246, (House Bill No. 1771), entitled:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce annulment of marriage adoption and annulment of adoption proceedings providing for the registration of such certificates by the said department the issuance of certified copies thereof and fixing fees and penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and con-

sideration of Senate Bill No. 1249, (House Bill No. 1827), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters and for the landscaping thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1257, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1016), entitled "An act relating to aeronautics; providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth; providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth; conferring powers and duties on the Department of Revenue with respect thereto; and repealing certain acts and parts of acts," by extending the powers of the department in relation to air transport facilities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1258, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Property and Supplies to assist in the development of aeronautics.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1259, entitled:

An Act to amend article twenty of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards, and commissions shall be determined," by authorizing the Department of Highways to construct, repair and maintain certain facilities of airports.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1264, (House Bill No. 1370), entitled:

An Act to amend section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" further regulating the removal discharge or reduction in pay or position of officers clerks and employees in the classified civil service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1270, (House Bill No. 1661), entitled:

An Act to amend section three of the act approved the tenth day of May one thousand nine hundred and thirty-nine (P. L. 111) entitled "An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation the balance of its current appropriation to the Department of Commerce and repealing certain laws" providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resources industries located preponderantly within the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1271, (House Bill No. 1802), entitled:

An Act providing for and requiring in certain cases preference in appointments to public position for honorably discharged persons who served in the military or naval service during any War in which the United States was engaged.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1281, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. WALKER. Mr. President, I move that Senate Bill No. 1258, read for the first time a short time ago, be re-committed to the Committee on Appropriations.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 1098, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists on its non-concurrence in the amendments made by the Senate to House Bill No. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three (P. L. 1449), entitled "Allegheny County Juvenile Court Law," to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court.

and has appointed Messrs. Benthly, Sarraf and Cooper, as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such a committee) to consider the differences existing between the two houses in relation to said bill.

SENATE APPOINTS COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1098

Mr. GELTZ. Mr. President, I move that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Walker, Carr and Cox, be said committee on the part of the Senate, and directs that the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced, informed the Senate that a Conference Committee has been appointed on Senate Bill No. 588, entitled:

An Act to protect debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, by prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments.

and that Messrs. Skale, Brown and Auker were appointed as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

The PRESIDENT. For the information of the Senate the conferees already appointed on the part of the Senate are, Senators Becker, Watkins and Cox.

RESOLUTION RECALLING HOUSE BILL NO. 251 FROM THE GOVERNOR

He also presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur) That House Bill No. 251, Printer's No. 106, entitled:

An Act to amend section eleven of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2532), entitled "Workmen's Compensation Security Fund Act," by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer; and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employee or any other party in interest against the fund.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECONSIDERATION OF SENATE BILL NO. 952 (HOUSE BILL 348)

Mr. GELTZ. Mr. President, on page 9 of today's Calendar appears Senate Bill No. 952, on third reading which was passed finally today. We have discovered that when this bill was amended it was amended only in one place instead of two places.

Mr. GELTZ. Therefore, Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 952, (House Bill No. 348), entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital at Dixmont, Allegheny County.

was passed finally, June 24, 1941.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye".

Mr. MILLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. GELTZ. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye".

Mr. MILLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 952, (House Bill No. 348) on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, June 25, 1941 at 1:30 o'clock, p. m. Eastern Standard Time.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 5:00 o'clock, p. m., Eastern Standard Time until Wednesday, June 25, 1941, at 1:30 o'clock, p. m. Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, June 24, 1941.

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

O God, Thou who hast made of one blood all the nations of the earth, have mercy upon this world of hatred and strife which has forgotten the things which belong to its peace and security. Bless the effort of all who labor to bind up the wounds of war and rebuild the shattered foundations of brotherhood.

Hasten the day, we pray Thee, when man's inhumanity to his brother shall no longer make countless thousands mourn. Do Thou direct the feet of erring men into the ways of righteousness and lead them from the city of destruction to the kingdom of God. This we pray in the name of Jesus, the Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. RANK unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. McINTOSH.

HOUSE BILL No. 1915.

An Act making an appropriation to the Department of Military Affairs for the payment of certain moral claims; providing for the hearing, adjustment and paying of moral claims of persons injured and dependent relatives, members of families and personal representatives of persons killed through negligence in the operation of trucks of or under the control of the Pennsylvania National Guard.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 489. (HOUSE BILL No. 1916).

An Act authorizing the Department of Property and Supplies to acquire by gift from the Pennsylvania State College, on behalf of the Commonwealth of Pennsylvania, that certain tract of land in Northumberland Borough, County of Northumberland, upon which is located the home of Joseph Priestley, and now the property of the

Pennsylvania State College; providing for the control, management and maintenance thereof by the said department and the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to accept in trust from the American Chemical Society and other interested societies or individuals, such moneys as they may see fit to present to the Commonwealth to assist in the maintenance and development of this property as a permanent memorial; authorizing the Pennsylvania Historical Commission to accept as gifts or loan, such books, manuscripts, pamphlets, relics and furniture as interested societies or individuals may provide for the permanent utilization of the property as a museum of science; and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 1028. (HOUSE BILL No. 1917).

An Act declaring that the soil under tidal waters within the boundaries of the Commonwealth belongs and has always belonged, to the Commonwealth of Pennsylvania; vesting in the Navigation Commission for the Delaware River and its Navigable Tributaries the supervision, management and control thereof, directing the said Commission to require all persons, firms or corporations desiring to dig, dredge or remove any sand, gravel or other soil under tidal water of said river and its tributaries to obtain a license for so doing and to pay a reasonable royalty to be fixed by said Commission for the use of the Commonwealth, for appeals from any action of the navigation commission and providing penalties for the digging, dredging or removal of said, gravel or other soil without procuring such license and entering into such agreement.

Referred to the Committee on State Government.

SENATE BILL No. 1117. (HOUSE BILL No. 1918).

An Act to amend section 1 of the act approved the twenty-seventh day of May one thousand nine hundred and thirty-seven (P. L. 901) entitled "An act for the protection of producers of farm products providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties" by redefining the term "Dealer in farm products"

Referred to the Committee on Agriculture.

RESOLUTION INTRODUCED AND REFERRED

By Mr. ROSENFELD. RESOLUTION No. 105.

In the House of Representatives, June 23, 1941.

Whereas, There are voters in the City of Philadelphia who are registered under the Permanent Registration Act in force in the aforesaid city; and are also permanently registered under the Permanent Registration Act in force in our sister Commonwealth of New Jersey; and

Whereas, The election records of the City and County of Philadelphia show that a large percentage of these ineligible electors in violation of the registration and election laws of this Commonwealth have voted in Philadelphia County; be it therefore

Resolved, That the Speaker of the House of Representatives appoint a committee of five members of the House to investigate this situation at once, so that in the coming elections in the City and County of Philadelphia no wholesale violation of the Election Laws shall occur; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and

documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee, shall have the power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases, and be it further

Resolved, That the said committee report as quickly as possible to this House with appropriate recommendations.

Referred to the Committee on Rules.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. MODEL for himself for the remainder of the week after tomorrow's session.

Mr. TAYLOR for himself for tomorrow's session.

Mr. BOORSE for himself for the remainder of the week.

Mr. CHARLES H. BRUNNER for himself for the remainder of the week after tomorrow's session.

Mr. Muir for Mr. HALL for the week.

Mr. HUNTLEY for himself for the remainder of the week after tomorrow's session.

Mr. EDWIN A. LEE for himself for the remainder of the week after tomorrow's session.

Mr. LEONARD for himself for the remainder of the week after tomorrow's session.

Mr. HARMUTH for himself for the remainder of the week after tomorrow's session.

Mr. D'ORTONA for himself for the remainder of the week after tomorrow's session.

Mr. SORG for himself for the remainder of the week after tomorrow's session.

Mr. SOLLENBERGER for himself for tomorrow's session.

REPORTS FROM COMMITTEES

Mr. YOUNG, from the Committee on Banking, reported as amended, House Bill No. 1890 (Senate Bill No. 823), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers, by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended; by further providing for the powers, liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage

in a banking or fiduciary business or both; and of affiliates of such corporations or persons; and of officers, directors, trustees and employes of such corporations and persons

Mr. WINNER, from the Committee on Banking, reported as amended, House Bill No. 1819 (Senate Bill No. 784), entitled:

An Act to amend section four hundred three of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State department to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provisions of said act.

MR. CADWALADER IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1857, entitled:

An Act making an appropriation to the Department of Revenue for the payment of claims against the Commonwealth arising from damage by fire caused by defective wires used for operating airplane beacons.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1888, (Senate Bill No. 1186), entitled:

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1792, (Senate Bill No. 994), entitled:

An Act making an appropriation to the Thomas Jefferson Bicentennial Commission of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consid-

eration of House Bill No. 1807, (Senate Bill No. 1006), entitled:

An Act to amend Route 18033 established by amendment to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1746, (Senate Bill No. 539), entitled:

An Act prescribing additional powers and duties on the Joint State Government Commission to make a survey of the educational facilities of the Commonwealth conferring upon the commission full power to issue subpoenas to carry out such additional functions and duties and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued imposing duties on departments and agencies of the State government and on colleges and universities and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1481, (Senate Bill No. 236), entitled:

An Act to amend section six hundred fifty-four of article six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising and consolidating the law: providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for appeals from any classification, rule, rate, or schedule of the Insurance Commissioners affecting insurance of employes and employers under the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto and exempting the State Workmen's Insurance Fund from the control of the Rating Bureau and the Insurance Commissioner.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Montgomery, Mr. Cadwalader, for presiding

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, pre-

sented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 834

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 23, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 834, Printer's No. 552, entitled, "An Act requiring persons selling 'merchandise' as herein defined to place weighing and measuring devices in full view of the purchasers imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures and providing penalties."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1413

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 19, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1413, Printer's No. 513, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 752

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 19, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 752, Printer's No. 333, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 830

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 20, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 830, Printer's No. 720, entitled, "An Act to further amend the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three 1933-34 (P. L. 15) entitled as last amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' changing the provisions of said act with respect to natural wines as herein defined"

This bill must be considered together with House Bill No. 831, Printer's No. 721, as the two are companion bills; and neither would serve any useful purpose without the final enactment of the other.

This bill would amend the Pennsylvania Liquor Control Act, the Act of November 29, 1933, Sp. Sess. P. L. 15, as reenacted and amended July 18, 1935, P. L. 1246 and June 16, 1937, P. L. 1762, 47 P. S. Section 744-1 et seq., by excepting unfortified wines from the definition of "liquor", and separately classifying them as "natural" wines. "Natural" wines are contrasted with fortified wines. Fortified wines are those to which alcohol is added chiefly in the form of brandies for preservative purposes which naturally results in increasing alcoholic content. The Pennsylvania Liquor Control Board now sells "natural" wines of the following classes: champagnes, clarets, zinfandel, barbera, chianti, burgundy, sauternes, several fruit wines, Rhine wine and possibly others. Of course, some of these wines classed as "natural" wines may be fortified by the addition of alcoholic products. The Pennsylvania Liquor Control Act in its present form includes all wines within its definition of "liquor"

This bill and House Bill No. 831 would liberalize materially the control of the liquor traffic in Pennsylvania. Under present legislation retail dispensers licensed under the Beverage License Law may not possess or sell liquor, which includes all wines, and all liquor must be purchased from Pennsylvania Liquor Stores. Under these two bills distributors and importing distributors of malt or brewed beverages would be permitted to purchase the defined natural wines direct from Pennsylvania manufacturers, and importing distributors direct from manufacturers outside Pennsylvania. Such distributors and importing distributors would be permitted to sell the defined natural wines direct to hotels, restaurants and clubs licensed under the Pennsylvania Liquor Control Act and to retail dispensers licensed under the Beverage License Law. The distributors of malt or brewed beverages would be in direct competition with Pennsylvania Liquor Stores, if indeed, as hereinafter indicated, such stores could legally buy and sell natural wines at all,

and it is a foregone conclusion that such distributors would undersell said stores, thereby inevitably leading to the virtual elimination of the sale of natural wines in Pennsylvania Liquor Stores. There would be over 21,000 privately owned retail outlets for the sale of natural wines in Pennsylvania, as opposed to 576 Pennsylvania Liquor Stores, the former being open for business much longer hours than Pennsylvania Liquor Stores. It would be vastly more difficult, if not impossible, to enforce the laws relating to liquor (including natural wines as defined) if retail dispensers were allowed to buy natural wines direct from the manufacturer or producer and to sell the same direct to the consumer. The present system of liquor control, whereby all liquor (including wines) is sold by Pennsylvania Liquor Stores only, is functioning satisfactorily, and regulation of such liquor can be more adequately established and maintained by continuing that system.

If this bill and House Bill No. 831 became law the Commonwealth would receive only the State tax on natural wines, which is about 14c per gallon, and would lose the 10% Emergency Relief Tax now collected on all sales of wines in Pennsylvania Liquor Stores. When the increased cost of enforcement, which would result from the necessity of supervising sales of natural wines by over 21,000 retail outlets, would be added to this loss of revenue, the ultimate loss in revenue to the Commonwealth would be staggering.

Moreover, any real benefit to Pennsylvania grape growers expected to flow from these bills is illusory. The Act of February 19, 1926, P. L. 16, as reenacted and amended December 8, 1933, Sp. Sess. P. L. 57, July 18, 1935, P. L. 1283, and June 16, 1937, P. L. 1811, 47 P. S. Section 121 et seq., supra, already permits the manufacture of wine from grapes by a grower thereof, without any license, and the sale of such wine to a licensed winery. Wines so manufactured come within the definitions of natural wines in this bill and House Bill No. 831. These two bills would permit importing distributors of malt or brewed beverages to import natural wines from outside Pennsylvania, from such principal wine producing states as California, New York, Ohio, Virginia and New Jersey and not subject to the Pennsylvania Liquor Control System and to sell such wines in direct competition with wines manufactured in Pennsylvania by Pennsylvania grape growers.

The approval of this bill and House Bill No. 831 would be of little or no benefit to any deserving thereof, would open wide the door to uncontrolled traffic in wines, and would be the entering wedge to split wide open the liquor control system as presently established in Pennsylvania.

The bill would establish substantially the same classification and control for natural wines as for malt or brewed beverages, although it is common knowledge that natural wines possess a higher alcoholic content than most malt or brewed beverages, and although the Pennsylvania Liquor Control Board neither buys nor sells malt or brewed beverages.

The bill would authorize licensees under the Pennsylvania Liquor Control Act to purchase natural wines from distributors and importing distributors of malt or brewed beverages licensed under the Beverage License Law (the Act of May 3, 1933, P. L. 252, as amended December 20, 1933, Sp. Sess. P. L. 75, and as reenacted and amended July 18, 1935, P. L. 1217 and June 16, 1937, P. L. 1827, 47 P. S. Section 84 et seq.), and to sell the same for consumption on the premises, and off the premises (except clubs) in certain maximum quantities.

The bill also contains a "joker." It purports to authorize licensees under the Pennsylvania Liquor Control Act to purchase natural wines from Pennsylvania Liquor Stores, although Section 201 (a) of the bill (Section 201 of the bill would replace Section 201 of the Pennsylvania Liquor Control Act, as amended) does not empower the Pennsylvania Liquor Control Board to buy, import, possess or sell natural wines as defined in the bill.

Moreover, the bill as drawn in Section 201 (b) fails to authorize the Pennsylvania Liquor Control Board to fix the wholesale and retail prices at which natural wines as defined in the bill shall be sold at Pennsylvania Liquor

Stores; and Section 602 (1) neglects to make it unlawful to sell natural wines as defined in the bill, except as provided in the Pennsylvania Liquor Control Act, as reenacted and amended by the bill.

House Bill No. 831, Printer's No. 721, hereinbefore referred to, would reenact and amend the Beverage License Law, supra, by including therein "natural wines" and by providing for the purchase and sale of such wines. Both "natural wines" and "wineries" are identically defined in House Bill No. 831 and this bill.

House Bill No. 831 would authorize distributors and importing distributors of malt or brewed beverages to sell or deliver natural wines anywhere in Pennsylvania, provided such wines have been purchased from a licensed winery, an importing distributor, or from a Pennsylvania Liquor Store. Importing distributors would be permitted to purchase such wines only from persons from whom distributors might purchase, or from producers and persons engaged in the legal sale of such wines outside Pennsylvania.

House Bill No. 831 (by Section 2) (g), which corresponds to Section 2 (f) of the Beverage License Law, as amended) would also permit retail dispensers, formerly restricted to the sale of malt or brewed beverages, to sell natural wines in substantially the same manner as malt or brewed beverages.

The definition of "importing distributor" in Section 2 (e) of House Bill No. 831 does not embrace the purchase by such distributor of natural wines from a Pennsylvania manufacturer inasmuch as the bill does not provide for the licensure of such manufacturer.

Although it is well known that breweries, which manufacture malt or brewed beverages, do not manufacture wines, Section 5 of House Bill No. 831 would make it unlawful for anyone to manufacture or produce natural wines unless such person holds a manufacturer's license, and a manufacturer's license may be issued under Section 5 of the bill only for the production and manufacture of malt or brewed beverages or natural wines; that is, breweries, which do not make wine, would be licensed to do so, and wineries, which do not brew malt beverages, would be licensed to do so.

I fully recognize that the Pennsylvania grape growers are presented with difficulties that we would be glad to see solved, but do not believe that they should be answered by taking them from under the supervision and control of the Liquor Control Board. By amendment of the Act of June 16, 1937, P. L. 1811, a limited winery license for grapes grown in Pennsylvania, under such reasonable conditions as may be fixed by the Legislature should be equally as satisfactory as the proposed acts without their dangerous features.

For these reasons, the bill is not approved.

ARTHUR H. JAMES

On the question,

Shall the bill become a law, the objections of His Excellency the Governor to the contrary notwithstanding?

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the communication from the Governor be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL NO. 831

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 20, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 831, Printer's No. 721, entitled "An act to reenact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled at last amended 'An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees, and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," including natural wines, as herein defined, within the provisions of said act; providing special licenses for the sale thereof, authorizing retail dispensers to sell natural wines without further license;

This bill would amend the Beverage License Law, (the Act of May 3, 1933, P. L. 252, as amended December 20, 1933, Sp. Sess. P. L. 75, and as reenacted and amended July 18, 1935, P. L. 1217, and June 16, 1937, P. L. 1827, 47 P. S. Section 84, et seq.) by including and defining unfortified wines as "natural wines," and by treating brewed or malt beverages and wines, for purposes of control, substantially the same. It would allow retail dispensers of malt or brewed beverages to sell wines in the same manner as said beverages.

This bill is a companion bill to House Bill No. 830, Printer's No. 720, which I have already returned without my approval.

For the reasons recited at length in my message accompanying the return of House Bill No. 830, this bill is not approved.

ARTHUR H. JAMES

On the question,

Shall the bill become a law, the objections of His Excellency the Governor to the contrary notwithstanding?

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL NO. 1072

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 20, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1072, Printer's No. 486, entitled, "An Act to amend section five hundred and nineteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' providing for the pay-

ment of the costs of viewers by the Commonwealth in certain cases."

This bill would relieve counties subject to the provisions of the Act of Assembly approved May 2, 1929, P. L. 1278, generally known as "The General County Law," from their existing liability to pay the costs of viewers appointed by the courts of the several counties to ascertain the damages consequent to the taking of property by the Commonwealth under its right of eminent domain and place such costs upon the Commonwealth.

The improvement of State highway routes is a definite benefit to the counties in which such routes are located, and I do not deem it to be an undue burden upon the counties that they bear the cost of viewers in eminent domain proceedings.

For this reason the bill is not approved.

ARTHUR H. JAMES

On the question,

Shall the bill become a law, the objections of His Excellency the Governor to the contrary notwithstanding?

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1098

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and [providing for detention facilities making the contributing] to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1098

The SPEAKER. The Chair appoints as a Committee

of Conference on said bill, Messrs. BENTLEY, SARRAF and COOPER.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 588

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 588, entitled:

An Act providing for the acquisition by the Department of Property and Supplies of a tract of land fronting on Lake Erie, situated in the township of North East, County of Erie, and for its development and maintenance as a state park by the Department of Forests and Waters; and making an appropriation.

And has appointed Messrs. Becker, Watkins and Cox a committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist on its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 588

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. SKALE, BROWN and AUER.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 404

Mr. McINTOSH. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 404.

The SPEAKER. The report will lie over for printing under the rules.

CONGRATULATORY RESOLUTION

Messrs. PROSEN, PETROSKY and HAINES offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 24, 1941.

An event that will linger for years in the happy memories of the members of this House who participated, was the trip that was taken to New York on Wednesday June 18, 1941, the occasion being the Conn-Louis fight.

The unprecedented success of the party was due in the first instance to the Honorable Harry O'Neill through whose tireless efforts no detail was overlooked to make the trip a marvelous success. The arrangements for refreshments and accommodations could not be surpassed. While it is quite unlikely that the Honorable Harry O'Neill had anything to do with the success of the fight itself, it cannot go unrecorded as a perfect ending to a perfect trip.

Too often the efforts of individuals who give of their

time and energy for others without thought of personal reward, goes unheralded; therefore be it

Resolved, That this House of Representatives, on behalf of those members who made the trip to the Louis-Conn fight in New York, give a rousing vote of thanks to the Honorable Harry O'Neill for his splendid efforts in arranging the trip and making it an outstanding and never to be forgotten event; and be it further

Resolved, That a copy of this resolution be presented by the Chief Clerk of this House to the Honorable Harry O'Neill as a token of its appreciation for his untiring efforts.

CONGRATULATORY RESOLUTION

Messrs. PAUL A. BRUNNER, BALTHASER, READINGER and MARKS offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 24, 1941.

Whereas, It appears that the House of Representatives and the Senate are now engaged in a deadlock; and

Whereas, It appears strange, with all this heat, that one should desire to engage in wedlock; and

Whereas, With perhaps the thought in mind of setting an example for both House and Senate of what can be accomplished by unity, the Honorable Lloyd L. Wolf of this House today married Gwendolyn Spencer; be it therefore

Resolved, That the House of Representatives pause in its deliberations to felicitate the happy couple on this the occasion of their union, and to wish them a successful journey throughout a long and happy married life.

RESOLUTION

RECALLING HOUSE BILL NO. 803 FROM THE GOVERNOR

Mr. TATE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), that House Bill No. 803, Rrinter's No. 905, entitled "An act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled 'An act to consolidate amend and revise the penal laws of the Commonwealth' prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in dance houses or in concert saloons theaters or places of entertainment where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in tap rooms clubs cafes restaurants and eating houses where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the disrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1048, entitled:

An Act relating to and regulating the practice of the healing profession of chiropractic, and the licensure and registration of practitioners therein; creating a Chiro-

practic Board of Examination and Licensure in the Department of Public Instruction; defining its powers and duties, and providing penalties.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BENTLEY. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study.

On the question,

Will the House agree to the section?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SARRAF. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. SARRAF. Mr. Speaker, is this motion debatable?

The SPEAKER. The motion to recommit is debatable, but debate must be confined to the motion.

Mr. SARRAF. Mr. Speaker, is the subject matter of the bill debatable?

The SPEAKER. The main question, the bill itself, is not before the House; only the motion to recommit. Remarks must be confined to the motion.

Mr. NAGEL. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Bentley.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BENTLEY. I shall, Mr. Speaker.

Mr. NAGEL. Mr. Speaker, will the gentleman from Allegheny state his purpose in having this bill recommitted?

Mr. BENTLEY. I will, Mr. Speaker. There are a number of reasons which, in my opinion, are perfectly sufficient for recommitting and burying House Bill 1048, the Chiropractors' Bill. Perhaps they were best stated in a telegram which was laid on every Member's desk from the various county medical associations throughout the state. I will not read the telegram, but briefly summarize the points made by the medical associations, and I adopt their reasons.

POINT OF ORDER

Mr. SARRAF. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. SARRAF. Mr. Speaker, I believe the answer to the interrogation is not on the motion to recommit.

The SPEAKER. The Chair rules the point of order not well taken. The gentleman will proceed.

Mr. NAGEL. Mr. Speaker, has the gentleman concluded his answer to my interrogation?

Mr. BENTLEY. Mr. Speaker, I most certainly have not.

The SPEAKER. The gentleman will proceed.

Mr. BENTLEY. Mr. Speaker, in further answer to the gentleman from Beaver, Mr. Nagel I might state that the first reason for recommitting House Bill 1048 is that it proposes legislation unnecessary — —

POINT OF ORDER

Mr. NAGEL. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Beaver will state his point of order.

Mr. NAGEL. Mr. Speaker, the gentleman is talking on the bill. I asked for a reason for the gentleman's request to recommit this bill. I contend the gentleman has not answered my question.

Mr. BENTLEY. Mr. Speaker, if the gentleman does not want to hear about my reasons — — —

The SPEAKER. Will the gentleman yield? The gentleman will confine his reply to the motion to recommit. Certainly, for the information of the gentleman from Beaver, a limited amount of latitude is necessary to explain why the motion is made to recommit. The gentleman will proceed.

Mr. BENTLEY. Mr. Speaker, I am going to acquiesce in the limits placed on me by the gentleman from Beaver, and I shall expect him also to be so limited. I propose this bill be recommitted so that it can be given further study.

Mr. NAGEL. Mr. Speaker, does the gentleman feel that he has not had ample time to study this bill?

Mr. BENTLEY. No. Mr. Speaker, the bill should be given further study on its merits, which are of a very broad nature. I think about four years would be enough.

Mr. NAGEL. Mr. Speaker, I hesitate to say what I think of the extensive time suggested by the gentleman from Allegheny which is required to study this bill. That is all for this gentleman, Mr. Speaker, but I would like to talk further on this motion to recommit.

The SPEAKER. The chair recognizes the gentleman from Beaver, Mr. Nagel.

Mr. NAGEL. Mr. Speaker, I regret very much it is not within the province of parliamentary procedure to discuss at this time the merits of this bill, and because of this I will endeavor to confine my remarks entirely to the motion to recommit.

You will note, Members of the House that I asked for the reason for recommitting this bill and none was given until it was forced at last, for further study and a suggestion that it might take four years to dig down into the bottom of this bill so that it might be understood. I think the gentleman has uncovered or has shown to us the thin veil that covers the motion in asking that this bill be recommitted when he referred to a telegram that was placed on every Member's desk, and by the way, Mr. Speaker, one was not placed on my desk, from the Medical Association, showing why this bill should be recommitted or be defeated. That revealed to us why this association desires to have this bill recommitted. The Medical Association of Pennsylvania is back of this recommittal.

In order to clarify this I have in my possession a telegram which was sent yesterday to a member of this House who kindly handed it to me. I will not give his name unless request is made to do so. This telegram is as follows:

"House Bill ten forty-eight may be considered this week stop please vote to recommit or against."

This telegram is signed by Doctor John P. Griffith President, Doctor George R. Harris, Secretary, Doctor C. L. Palmer, Chairman Public Health Legislation Com-

mittee, Allegheny County Medical Society.

There, gentleman, you have the analysis of the whole problem. You have before you the exact reason why they want this bill recommitted. I contend this is a most unfair method of procedure; a bill that has been before the Legislature for the last four sessions at least, and many sessions before, a bill that passed this House in 1927 which at that time showed so much merit that a committee was appointed to study the healing arts of Pennsylvania, and a report made from this committee which I will disclose on the floor of this House when this bill is discussed on third reading. I will say that this is a stab in the back. They fear to have this bill on the floor of the House, lest the real facts be revealed to the Legislature and to the people of the State concerning this bill which has had a public hearing at which public hearing there were one hundred thousand names signed to a petition without any coercion being exerted.

POINT OF ORDER

Mr. SARRAF. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. SARRAF. Mr. Speaker, I do not believe the gentleman is speaking relative to the motion before the House.

The SPEAKER. The gentleman will continue his remarks to the motion to recommit. The gentleman will proceed.

Mr. NAGEL. Mr. Speaker, I am simply trying to show to the Members of this House that this bill should not be recommitted, because the citizens of this great Commonwealth do not want it recommitted and we are representing these citizens. Why should we not accede to their wishes? I say to recommit this bill is a most cowardly act, it is a stab in the back, it is striking below the belt.

I have here, Mr. Speaker, another communication from an organization in Pennsylvania that it outstanding. It is from the Brotherhoods of Railroad Workers. That communication reads as follows:

"The citizens of Pennsylvania have a constitutional right to the methods of healing and the doctors of their choice."

"Forty-two states of the Union

POINT OF ORDER

Mr. BENTLEY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. BENTLEY. Mr. Speaker, the gentleman is now speaking on the merits of the bill. He has just mentioned constitutional rights.

The SPEAKER. The Chair is of the opinion that the points of order are dilatory. The gentleman should be permitted to conclude his remarks.

Mr. BENTLEY. Mr. Speaker, I was perfectly willing to open this question but the gentleman rose to a point of order and then said I did not give reasons.

The SPEAKER. The Chair requests the gentleman from Beaver to confine his remarks to the motion to recommit. The gentleman will proceed in order.

Mr. NAGEL. Mr. Speaker, I am simply calling to the attention of the Members of the House the urgent request made by citizens of our state not to recommit this

bill, and if there is anything that comes within our parliamentary procedure that should be included, it seems to me this should be so included.

I will continue reading from the communication as follows, Mr. Speaker:

"Forty-two States of the Union, including District of Columbia and the Territories of the United States, do now have regulatory laws for Chiropractic treatments.

"The Chiropractic treatments have been tested through more than forty years and fully one-fourth of the entire population of the United States has, at one time or another, received chiropractic attention. The clientele ranks second in numbers—surpassed only by medicine and surgery.

"House Bill No. 1048, has the endorsement of the four Railroad Transportation Brotherhoods of the State of Pennsylvania, for the reason, the method of treatment used by the Chiropractors is very beneficial to those of us employed in the railroad industry, due to the fact that our bodies, while performing our natural duties, are often in a very abnormal condition with the result when a sudden shock or something of that nature occurs, it often results in dislocated nerves, etc. We have found that chiropractic treatment does reach the affected parts of our bodies, and we hope, therefore, that the Legislature will give the Chiropractors an opportunity to practice their profession without being violators of the law.

"We do not, by any means, have too many professional men and women who are practicing the art of healing, which is shown by the records and findings of the United States Government when examining our young men for military service.

"The passage of House Bill No. 1048 will not nullify previously established health laws; nor will it interfere with any other form of practice. It will, however, improve the public's opportunity to receive the Chiropractic health service under the supervision and control of Chiropractic Examiners.

"This bill if enacted into law will be a public health benefit measure and we appeal to you for favorable action."

W. A. MAJOR, Chairman,
Order of Railway Conductors

L. V. BYRNES, Legislative Representative,
Brotherhood of Locomotive Engineers

H. A. WALSH, Chairman
Brotherhood of Railroad Trainmen

JAMES A. FOX, Chairman
Brotherhood of Locomotive Firemen
and Enginemen."

Mr. MAXWELL. Mr. Speaker, I desire to interrogate the gentleman from Beaver, Mr. Nagel.

The SPEAKER. Will the gentleman from Beaver permit himself to be interrogated?

Mr. NAGEL. I shall, Mr. Speaker.

Mr. MAXWELL. Mr. Speaker, may I ask if that last letter that the gentleman just read is on the official letterhead and is signed or are those names just typewritten on there?

Mr. NAGEL. Mr. Speaker, in answer to the gentleman I would say it is typewritten on a plain piece of paper and it is not signed. It is entirely typewritten. However, if the gentleman desires I can get from Mr. Fox the original of this letter.

Mr. MAXWELL. Mr. Speaker, in view of the fact that the gentleman from Beaver has just admitted that this letter which he just read is on a plain piece of paper and not on the official letterhead and is not signed by anyone, it is just typewritten, I ask the Members of this

House to disregard anything that is in that letter as being unofficial and not authentic.

Mr. NAGEL. Mr. Speaker, I desire to interrogate the gentleman from Westmoreland, Mr. Maxwell.

The SPEAKER. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. MAXWELL. I shall, Mr. Speaker.

Mr. NAGEL. Mr. Speaker, a telegram offered by the gentleman from Allegheny, Mr. Bentley, in support of his reason for recommitting this bill was said to have been laid on every Member's desk. I want to ask the gentleman from Westmoreland if this was an original or whether it was signed.

Mr. MAXWELL. Mr. Speaker, may I ask the gentleman if he ever saw a telegram that was signed?

Mr. NAGEL. I will say I did not, but I will contend that it is no more authentic than this article that has just been read.

Mr. HARKINS. Mr. Speaker, in voting for this motion to recommit----

The SPEAKER. Will the gentleman yield? For what purpose does the gentleman rise?

Mr. HARKINS. Mr. Speaker, I rise to speak on the motion to recommit.

The SPEAKER. The gentleman is out of order. The gentleman from Beaver, Mr. Nagel, has the floor.

Mr. HARKINS. I beg your pardon, Mr. Speaker, I thought the gentleman had finished.

Mr. NAGEL. Mr. Speaker, For the information of the gentleman just leaving the floor, I will say that my remarks will not be continued much longer, but I do want to say to the Members of this House that I know and I am aware of the fact that powerful pressure has been brought upon certain Members by the medical association of Pennsylvania to vote against this bill. I have had Members come to me and say, "I would like to support your bill but I dare not do it."

Now, members of the House, are we going to submit to such heat and such pressure that we cannot go to our homes and back to our districts which sent us here and say to them that we voted independently of any pressure that was brought upon us? I feel that every Member of this House has a great degree of intelligence, I do not believe that there is a Member of this House who can be corrupted, I do not believe that there is a Member of the House who would take any boodle that is laid upon the barrel-head. I do not feel so. I think you are going to vote on this measure as it should be voted on. I have confidence in you.

I want to call your attention to one other matter. I don't like to refer to myself in any legislative work, but I want to call your attention to the fact that in this House in the last three of four sessions, three in particular, in this Legislature, in which I took part in deliberating on all legislative matters that came before the House. I have never stooped to such tactics as to move that a bill be put back in committee and I even voted to keep a bill on the floor of the House and then voted against that bill after it was on the floor of the House. It is only fair to your constituents back home, it is only fair to suffering humanity that is going to benefit from chiropractic treatments, to give them the benefit of the discussion of this bill on the floor of the House. Are we going to yield and not grant to our constituents and to the people of this great Commonwealth of Pennsylv-

vania the right to know what this chiropractic bill means, the right to know what place it should have and what place the features of this bill should have in the laws of our Commonwealth? I say again, Mr. Speaker, it is a cowardly trick and I ask you Members of the House, this not being a partisan affair, this being a matter which concerns both sides of this House equally, I ask you to extend to me as a Member of this House at this particular time the same courtesy that I have always extended to you, whether I thought your bills were good or bad. If it had any merits whatever, if there was any reason to believe that a certain number of our citizens wanted that bill, I would vote against a motion to recommit that bill, and I ask you to extend to me that same courtesy today. I ask you to give some thought to this, I ask you not to stoop and lie under the pressure that has been put upon you. Be free American citizens so that when you reach your homes after this session is adjourned finally you can say to your own constituents "I voted according to the way I thought was right." I thank the Members of the House and I ask you to vote against the motion to recommit.

Mr. BENTLEY. Mr. Speaker, I should perhaps be astonished and even amazed at the charge of cowardice and unfair practices coming from the gentleman from Beaver, Mr. Nagel, but I am not when I find that he rose to interrogate me and asked me to explain my reasons for moving to recommit this bill, and then immediately falls on a point of parliamentary procedure to stifle any reasons that I may have cared to give.

I ask only one thing of the Members of this House in voting on this motion to recommit. I ask you to recall who showed obedience and respect for the Chair in observing the Chair's decision, to speak only on the motion to recommit, myself or Mr. Nagel. I recall for the Members of the House that Mr. Nagel read a so-called message from the Brotherhood of Firemen and I ask you whether or not that was speaking on the merits of the bill. If he did not speak on the merits of the bill, the very thing that he refused to allow me to do, then I do not understand the English language. I ask you only to recall who used the unfair tactics, who played fair and observed the ruling of the Chair, when I asked you to support this motion to recommit the bill.

Mr. HARKINS. Mr. Speaker, in rising to support the motion to recommit this bill I want to say that my vote for the motion is not influenced or determined by the opposition of the Allegheny County Medical Association to this bill. My vote for the recommitment of this bill is being determined by the fact that I believe this bill is not the proper type of legislation to have upon the statute books. I would not hesitate to vote against the bill, voting on the merits of it. I am particularly calling this to the attention of the Allegheny County Medical Association, because I think in the past few years this association has been inaccurate and inexact in its reporting of the vote of Members of this House to the various medical doctors in the various communities which it serves. I feel that this is the proper opportunity to call the attention of this association to the fact that is inaccurate method of reporting does not obtain any votes for it.

Therefore, Mr. Speaker, I want it clearly understood that my vote for the recommitment of this bill is not in

any way determined by the fact that the Medical Association happens to oppose the bill.

Mr. SARRAF. Mr. Speaker, I rise to support the motion to recommit this bill. One of the arguments advanced by the gentleman from Beaver, Mr. Nagel, for not recommitting this bill was that forty-two states of the Union have chiropractic legislation. Mr. Nagel forgot to inform the House that one of the forty-two states is Pennsylvania. Another reason why I think this bill should be recommitted is because on the statutes of the state of Pennsylvania today are laws which regulate medical practice, and they have been to the Supreme Court of the United States and the Superior Court of the state and they have been upheld, and included in these laws, incorporated in them, under drugless therapists are the chiropractors. I think that this is in unnecessary law and an unnecessary board. I feel that this bill should be returned to committee.

Mr. CULLEN. Mr. Speaker, Mr. Bentley in giving his reasons for recommitting the bill, stated as one of them the fact that the medical profession was against it. Well, that is the particular reason why he should vote against the recommitment of this bill. When the question came up about the welfare of the community, I might enlighten the gentleman in regard to certain medical organizations in the advancement of different things.

Mr. Speaker, I am now reading from an issue of the Detroit News:

"Bathtubs, back in the fifties and sixties were bitterly opposed by the medical profession on the grounds that the use of them led to pneumonia. In 1853, Philadelphia Common Council considered an ordinance forbidding the use of bathtubs during the winter months and it failed to pass by only two votes. In 1845, Boston passed an ordinance forbidding bathing in a tub without a medical order, but it never was enforced, and in 1852 it was repealed. By 1860, despite the hostility of the physicians there was a bathtub in every big New York hotel, and some boasted two and even three."

POINT OF ORDER

Mr. MAXWELL. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Westmoreland will state his point of order.

Mr. MAXWELL. Mr. Speaker, the gentleman is not speaking on the motion to recommit.

The SPEAKER. The point of order is well taken. The gentleman will confine himself to the motion to recommit the bill.

PARLIAMENTARY INQUIRY

Mr. LEVY. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. LEVY. Mr. Speaker, one of the proponents of the motion, Dr. Sarraf from Allegheny I believe touched upon the merits of the motion to recommit the bill, and I feel in all fairness that Mr. Cullen of Philadelphia should be also entitled to answer one of the questions that was brought up in the argument.

The SPEAKER. For the information of the gentleman from Philadelphia, Mr. Levy, when the gentleman from Beaver, Mr. Nagel, interrogated the gentleman

from Allegheny Mr. Bentley, he raised the point of order that he was not confining his remarks to the motion to recommit. The Chair has tried to be very fair during the discussion on the motion to recommit.

POINT OF ORDER

Mr. LEVY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. LEVY. Mr. Speaker, I made a direct assertion regarding Dr. Sarraf's statement relative to the recommitment of this bill, and I think what Mr. Cullen of Philadelphia is attempting to do is to answer the assertion made by the doctor, or by Mr. Bentley. Now, I believe if one side has been allowed a broad latitude on the subject, I think then certainly that Mr. Cullen's remarks should be entitled to a broad scope.

The SPEAKER. The Chair has been trying to be very liberal on this question. When a point of order is raised the Chair can but ask the Members to confine their remarks to the motion to recommit the bill. If the House wants to discuss the merits of this bill it must either vote down the motion to recommit or the motion will have to be withdrawn.

The rules of the House say that a motion to recommit stops discussion on the main question. The gentleman will confine his remarks to the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. CULLEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. CULLEN. Mr. Speaker---

The SPEAKER. Will the gentleman yield? We have a very long calendar and it is the intention to declare a recess very shortly, with the permission of the House, for the purpose of holding a caucus. The Chair is of the opinion that this question can be handled expeditiously if the Members will confine their remarks to the question of recommitment. The gentleman will proceed.

PARLIAMENTARY INQUIRY

Mr. CULLEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. CULLEN. Mr. Speaker, in the interrogation of Mr. Bentley he raised a certain point. The point I am making is that I cannot answer Mr. Bentley as to one of his reasons for recommitting the bill—that the medical profession was against the bill.

The SPEAKER. What is the gentleman's question?

Mr. CULLEN. Mr. Speaker, cannot I answer the gentleman's question and show him that the medical profession, even though they are against the bill, should not be considered?

The SPEAKER. A point of order was raised by the gentleman from Philadelphia. The Chair has ruled that the gentleman shall confine his remarks to the motion to recommit. The gentleman from Philadelphia may only discuss the reasons why the bill should or should not be recommitted. The gentleman will proceed.

Mr. CULLEN. Mr. Speaker, I was trying to explain that I was answering the reason given by the gentleman who made the motion. It is my contention that he gave a certain reason for recommitting the bill as one of his reasons, and an answer to that is perfectly in order. That is my contention Mr. Speaker. He raised his reason and I'm only answering his reason.

The SPEAKER. The gentleman will proceed in order.

Mr. CULLEN. Well, Mr. Speaker, if I am out of order by reading this, then that is the reason I am against the motion to recommit this bill.

Mr. LEVY. Mr. Speaker, I feel confident that the controversy relative to House Bill 1048 could best be described as one that need not be argued on a motion to recommit, but if any Member or group of Members feel that House Bill 1048 should be sent back to committee then the rules of procedure as outlined by the Speaker should in all regularity be adhered to.

I am not so much concerned with the argument propounded by the gentleman from Allegheny that the Medical Association of the Commonwealth of Pennsylvania is opposed to House Bill 1048, nor on the other hand that the Brotherhoods of Railroad Trainmen are in favor of House Bill 1048. I only want to bring to the attention of the Members of the House the fact that House Bill 1048 was introduced on March 31st and sent to the Committee on Professional Licensure on April 1st of 1941. House Bill 1048 was in committee approximately two and a half months and there was ample study and diligent attention given to the bill. The proponents of the recommitment motion will admit that the bill was studied from every angle, and I call upon you in the name of fairness, and I say to you it is only fair to the proponents of this measure and to the people of the Commonwealth who think that House Bill 1048 is fair and just, to permit the bill to remain on the calendar, be advanced to third reading and the merits or demerits be amply and intelligently discussed.

MR. ACHTERMAN IN THE CHAIR

Mr. NAGEL. Mr. Speaker, I want to correct a statement made some time ago by Dr. Sarraf. He said in my remarks I had forgotten to mention that the state of Pennsylvania had a law licensing chiropractors. I want to deny that. That is not correct. Pennsylvania has no law giving the chiropractor his own licensing board. The states in the United States that do not have such a law are Alabama, Louisiana, Mississippi, New York, Pennsylvania and Texas. I have copies of the laws---

Mr. SARRAF. Mr. Speaker, I do not care to interrupt the speaker, but statements are being made erroneously and they accuse me---

The SPEAKER pro tempore. For what purpose does the gentleman from Allegheny rise?

POINT OF ORDER

Mr. SARRAF. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman from Allegheny will state his point of order.

Mr. SARRAF. Mr. Speaker, my remarks were made with reference to recommitting this bill. My remarks are a matter of record. The gentleman is using my remarks and misconstruing them in an attempt to prove that this bill should not be recommitted. The gentleman is also

speaking on the merits of the bill. Mr. Speaker, I raise that point of order.

The SPEAKER pro tempore. The Chair has already ruled on the question. The gentleman will confine his remarks to the motion to recommit.

Mr. NAGEL. Mr. Speaker, I was simply trying to correct a statement which I know is not correct and I think I have proof and evidence to show it is not correct. I defy anyone to show me on the statutes of Pennsylvania wherein the chiropractor has his own licensing board, the same as in many of these other states which do have a chiropractic law, and which do have a licensing board. Pennsylvania does not have. Do not be led astray by a statement of that kind because it is not correct.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Nagel and Mr. Russell E. Reese.

Messrs Russell E. Reese, Nagel and Cullen asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—113

Baker,	Finestone,	Malloy,	Schwab,
Balthaser,	Fiss,	Marks,	Serrill,
Baughner,	Foor,	Maxwell,	Shaw,
Bentley,	Greenwood,	McClanaghan,	Shepard,
Bentzel,	Gross,	McClester,	Simons,
Boney,	Gryskewicz,	McDermott,	Snyder,
Bower,	Habbyshaw,	McDowell,	Sollenberger,
Brown,	Haines,	McFall,	Sorg,
Brunner, C. H.,	Harkins,	McIntosh,	Stambaugh,
Brunner, F. A.,	Harmuth,	McMillen,	Tate,
Burris,	Harris,	McSurdy,	Taylor,
Cadwalader,	Helm,	Melchiorre,	Thompson, E. F.,
Chervenak,	Hersch,	Mihm,	Thompson, R. L.,
Chudoff,	Hewitt,	Muir,	Trout,
Cochran,	Imbrie,	Munley,	Vincent,
Cooper,	Jones, G. E.,	O'Brien,	Voldow,
Cordier,	Keenan,	O'Dare,	Wagner,
Croop,	Kenehan,	O'Neill,	Watkins,
Dalrymple,	Kolankiewicz,	Polaski,	Weiss,
Dennison,	Komorofski,	Powers,	Welsh, M. J.,
DiGenova,	Krise,	Prosen,	Wilkinson,
D'Ortona,	Lee, E. A.,	Rausch,	Winnier,
Duffy,	Lelsey,	Reese, D. F.,	Wood, L. H.,
Early,	Leonard,	Reynolds,	Woodring,
Eckels,	Leydic,	Rose, W. E.,	Woodside,
Elliot,	Lichtenwalter,	Royer,	Yester,
Ely,	Longo,	Sarge,	Kilroy,
Falkenstein,	Lyons,	Sarraf,	Speaker.

NAYS—55

Allmond,	French,	Levy,	Reese, R. E.,
Boles,	Gillan,	Lovett,	Rhea,
Boorse,	Goodwin,	McKinney,	Rush,
Bradley,	Gyger,	Monks,	Shaffer,
Burns,	Haberlen,	Mooney,	Stockham,
Cohen, R. E.,	Hamilton,	Moran,	Van Alsburg,
Cook,	Heatherington,	Nagel,	Vogt,
Cullen,	Hirsch,	Nunemacher,	Weingartner,
Dix,	Huntley,	O'Connor,	Welsh, E. B.,
Dolon,	Jefferson,	O'Mullen,	Williams,
Fisher,	Jones, P. N.,	Owens,	Wright,
Fleming,	Kline,	Petrosky,	Yeakel,
Fletcher,	Knoble,	Pettit,	Young,
Flynn,	Lesko,	Polen,	

So the question was determined in the affirmative and the motion was agreed to.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Monroe, Mr. Achterman, for presiding.

BILL INTRODUCED AND REFERRED

By Mr. HABERLEN.

HOUSE BILL No. 1919.

An Act to amend section 103, 301, 304, 305, 307, 308, 310, 311, 401, 402, 403, 404, 405 410, 501, 502, 503, 505, 506, 508, 510, 511, 512, 513, 703, 801, 802, 803, 804, 807, 808, 809, 904, 1013, and 1101 of the act approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer," defining the terms "handle" and "handler"; extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission; enabling certain officers, employees and agents to administer oaths; providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders; enabling employees of the commission to photograph, photostat, mark or stamp for identification books and papers that they have inspected; providing for action with milk control agencies of other states and of the United States, in holding hearings and promulgating and enforcing orders; requiring milk dealers or handlers to be licensed; stating grounds for refusal, suspension, revocation of licenses and the right to transfer licenses; stating grounds for refusal of the right to apply for a license; stating the effect of service by registered mail; enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers; prescribing the effective date and term of such bonds and providing for their release; providing for the increase or decrease of the amounts of bonds; prescribing the effect of orders and findings of fact of the commission relating to licenses in suits or bonds; providing for payment to those entitled thereto of moneys in the hands of the commission owing from dealers or handlers to producers and from subdealers or subhandlers to dealers or handlers; increasing the scope of regulation of subdealers or subhandlers; making certain information available to cooperatives and producers' groups; clarifying the requisites of orders fixing prices

for milk; providing for the competency of certain statistical testimony and data; providing that all provisions of price-fixing orders shall be presumed to be valid and placing the burden of proving any invalidity of any order or part thereof; stating the effect of partial invalidity of price-fixing orders; defining violations of orders of the commission fixing prices; making milk dealers or handlers responsible for acts of their directors, officers, agents or other persons acting for or on behalf of them; giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk; further regulating and imposing duties on milk dealers or handlers; prescribing procedure on appeal from orders of the commission; further defining and prescribing penalties, defenses, rights and remedies; and providing for the payment of funds in the hands of the commission owing producers or dealers or handlers to those entitled thereto.

Referred to the Committee on Dairy Industries.

RESOLUTION

RECALLING HOUSE BILL No. 1513 FROM THE GOVERNOR

Mr. DENNISON offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 24, 1941.

Resolved, (if the Senate concur), That House Bill No. 1513, Printer's No. 797, entitled "An Act to further amend section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled as amended 'An act to provide revenue for State purposes, imposing taxes upon certain classes of personal property; providing for the assessment, collection and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties, and making an appropriation,' by exempting assets held by liquidating trustees," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE BILL No. 107 TAKEN FROM TABLE

Mr. PRESLEY N. JONES. Mr. Speaker, I move that House Bill No. 107, together with the communication from the Governor, which was laid on the table June 9, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 107

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 6, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the Honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 107, Printer's No. 742, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RESOLUTION

RETURNING HOUSE BILL No. 107 TO THE GOVERNOR

Mr. PRESLEY N. JONES offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 24, 1941.

Resolved, (if the Senate concur), That House Bill No. 107, Printer's No. 742, entitled "An Act to amend section eleven of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven, (P. L. 395), entitled 'An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges, and making an appropriation,' as amended; by providing that certain of such toll bridges heretofore or hereafter acquired by the Department of Highways may be free bridges from the effective date of this act, or from the date they are so acquired," which was recalled from the Governor on June 6th for amendment, and laid on the table on June 9th, be returned to the Governor without amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

PUPILS OF LANSDALE SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon Prof. Goering, Principal of Green Street School of Lansdale and nine cyclists, who are on a tour of eastern Pennsylvania on bicycle. They are the guests of the Montgomery County members.

RECESS

The SPEAKER. If there is no-objection the Chair is about to declare a recess until 3 p. m.

Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 3 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 849

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 24, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 849, Printer's No. 985, entitled, "An Act to further amend the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1356) entitled 'An act to regulate the

sale and delivery of solid fuel as herein defined providing for appointments of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties' further regulating the issuing to and revocation and suspension of licenses of weighmasters requiring the use of suitable scales regulating the issuing use and keeping of weighmaster's certificates conferring powers and imposing duties upon state city and county inspectors of weights and measures and the Department of Internal Affairs declaring certain proofs to constitute prima facie evidence of a violation of the act extending the provisions of said act to cases heretofore exempted and prescribing additional and increased penalties."

ARTHUR H. JAMES.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), that House Bill No. 803, Printer's No. 905, entitled "An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled 'An act to consolidate amend and revise the penal laws of the Commonwealth' prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in dance houses or in concert saloons theaters or places of entertainment where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in tap rooms clubs cafes restaurants and eating houses where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act" be recalled from the Governor for the purpose of amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 122.

An Act to amend subsection (b) of and to add subsection (e) to section twenty-eight of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling

houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" authorizing executors of a will with the approval of orphans' court to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public and to purchase real and personal estate of the decedent when sold at private sale

SENATE BILL No. 151.

An Act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office, and validating deeds heretofore so executed.

SENATE BILL No. 174.

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class and second class A and third class as state highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined width of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" by establishing additional routes in the City of Erie

SENATE BILL No. 213.

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania, to acquire by gift from the owner thereof, Pottsgrove Mansion with tract of land situate in the Ninth ward of the Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof; and creating an advisory board to assist in such functions.

SENATE BILL No. 224.

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain

indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers

SENATE BILL No. 303.

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways

SENATE BILL No. 346.

An Act to amend section two hundred one and to further amend sections two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation or calling optional in counties.

SENATE BILL No. 419.

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg in the county of Dauphin and the borough of New Hope in the county of Bucks.

SENATE BILL No. 486.

An Act relating to sheriffs' sales of personal property, providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution, the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ, subject to certain deductions for costs and priority claims.

SENATE BILL No. 566.

An Act to amend clause (b) of section twenty-seven of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary

estates and of real estate from the lien of legacies and other charges the appraisalment of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents by further regulating the discharge of charges on real estate

SENATE BILL No. 572.

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

SENATE BILL No. 592.

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183) entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

SENATE BILL No. 599.

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

SENATE BILL No. 645.

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended "An act creating the Highway Mining Commission, with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

SENATE BILL No. 655.

An Act to amend the first paragraph of section one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth" by increasing the salary of county commissioners in eighth class counties.

SENATE BILL No. 724.

An Act to amend section four hundred one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by providing for the length of the terms and the method of appointing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 381

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 381, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing the acquisition operation and leasing of aviation landing fields and airdromes by counties of the second third fourth fifth sixth seventh and eighth classes conferring certain powers of eminent domain upon such counties for the acquisition of lands for aviation landing fields and airdromes authorizing such counties to appropriate for such purposes unredeemed lands purchased at tax sales providing for the jurisdiction of condemnation proceedings where lands are situated in more than one county authorizing such counties to act jointly with certain political subdivisions in the operation and maintenance of aviation landing fields and airdromes and providing for the expenditure of funds for such purposes in cooperation with certain State Federal or other public agencies.

And has appointed Messrs. Chapman, Letzler and Mundy a committee of conference to confer with a similar committee of the House of Representatives (already ap-

pointed) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 381

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. O'NEILL, SCHWAB and KNOBLE.

Ordered, That the Clerk inform the Senate accordingly.

CONGRATULATORY RESOLUTION

Mr. LLOYD H. WOOD offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 24, 1941.

Thirty-seven years ago last Thursday the Honorable Charles H. Brunner, Jr. was born in Lancaster and at an early age displayed the unusual intelligence which accounts for his present place in public life, by leaving Lancaster and attending the grade schools and the High School in Norristown. His remarkable career best proves that Lancaster is a good place to come from.

As a boy he thrilled to the sound of the fire alarm, the prancing of galloping fire horses and the excitement and consternation attending fires. Upon graduation from the Norristown High School in 1920 he entered Colgate University graduating from that institution in 1927 having majored in fire-fighting and hose placement. Not being satisfied with the knowledge in this particular field thus far acquired, he entered Temple University Law School graduating in 1931 with the degrees of A. B. and L. L. B. also C. E. P. H. (Chief Engineer Placement of Hose with all the legal knowledge pertaining thereto).

His extreme interest and efficiency in this field was noted by the firemen of his home community and they determined that they must have an officer well versed in this subject and accordingly made him vice president of the Norristown Hose Company No. 1 for the year 1939. His record during that year compelled his election to the presidency of the Company in 1940.

He represents the third generation of attorneys of the Brunner family in Montgomery County but so far no provision has been made for the continuation of this record.

He came into this House as a freshman in 1939 and at his very first session sponsored the largest piece of legislation passed and approved by the Governor. Covering two hundred and four pages of the pamphlet laws of 1939 the Penal Code, after failing of passage at many previous sessions, was finally put across, in great measure, as the result of his diligent efforts.

His record with the Code of Criminal Procedure at this session is however, not so good.

Our associate from Montgomery County is a member of Colgate Theta Phi Chapter of Phi Gamma Delta fraternity, Norristown Lions Club, Norristown Maennuckor, Knights of Golden Eagle, Norristown Hose Company No. 1; member Loyal Order of Moose, Montgomery County Firemen's Association; regional vice-president of Schuylkill River Valley Restoration Association, for Montgomery County; therefore be it

Resolved, That today the Members of this House, belatedly extends to the Honorable Charles H. Brunner, Jr. their warmest congratulations and their best wishes for many returns thereof and for the arrival soon of the son who can carry out the family tradition and become Lawyer Brunner, number four of the County of Montgomery; and be it further

Resolved, That as a permanent token of our esteem and regard for him, the Chief Clerk shall immediately prepare a copy of this resolution and transmit the same to the Honorable Charles H. Brunner, Jr.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Brunner.

Mr. CHARLES H. BRUNNER, Jr. Mr. Speaker, and members of the House after all that, all I can say is "period."

Seriously, however, the efforts of my colleagues from Montgomery County in preparing such a voluminous and extensive resolution bespeaks the interest with which we hold one another. I thank them for it and I thank the membership, but I warn the membership to pay no attention whatsoever to the contents other than the fact that I was born in Lancaster on June 19, 1904, which is a very good County to come from. I may explain that the reason I was born in Lancaster County was that I was the first born in my family and my mother went home for the occasion; she happened to come from Lancaster County.

Again may I remind you all that the contents of the resolution are not to be taken seriously, and that you will get back to the old adage, "No matter how thin you slice it, it's still baloney."

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 602, entitled:

An Act to amend sections eight hundred one and nine hundred seventy-six of the act, approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by further defining parties and political bodies; providing procedure for rejection of nomination petitions, papers or certificates in certain cases; imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections, the Secretary of the Commonwealth and the courts.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 924, entitled:

An Act to amend section four hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act

conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating the registration of motor vehicles

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1878, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the appointment of a deputy school treasurer a deputy school controller and clerks to the school controller

The first and second sections were separately read and agreed to.

The third section was read.

On the question,

Will the House agree to the question?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 3 (Sec. 2212), page 4, line 23, by inserting after the word "controller" the following: "and school treasurer respectively."

Amend Sec. 3 (Sec. 2212), page 4, line 24, by striking out the word "he"

Amend Sec. 3 (Sec. 2212), page 4, line 24, by inserting a light face bracket before and after the word "deems."

Amend Sec. 3 (Sec. 2212), page 4, line 24, by inserting after the word "deems" the following: "they deem".

Amend Sec. 3 (Sec. 2212), page 4, line 25, by striking out the word "him" and inserting in lieu thereof: "them".

Amend Sec. 3 (Sec. 2212), page 4, line 25, by striking out the word "his" and inserting in lieu thereof: "their".

Amend Sec. 3 (Sec. 2212), page 4, line 27, by inserting after the word "controller" the following: "and school treasurer".

The amendments were agreed to.

The section was agreed to as amended.

The fourth, fifth and sixth sections were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, last line of title, by inserting at the end of said line the following: "and school treasurer."

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 513, entitled:

An Act to further amend section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" granting certain retirement rights to persons who have withdrawn from and returned to school service.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1671, entitled:

An Act to further amend subsections seven and nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" fixing the minimum annual salary and increments of members of the teaching and supervisory staff in school districts of the fourth class increasing the percentage of state-aid for all districts and providing additional state-aid through an equalization fund created by this act to be maintained from state appropriations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1790, (Senate Bill No. 806), entitled:

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together

with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating sabbatical leaves for certain school employees

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1476, (Senate Bill No. 459), entitled:

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this Act.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

— Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1757, (Senate Bill No. 508), entitled:

An Act to amend section two thousand three hundred twenty of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers' Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by authorizing the State Council for the Blind to furnish certain aids and services to needy blind persons or persons with impaired vision for the purpose of restoring or improving their vision, and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1823, (Senate Bill No. 367), entitled:

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Millersville State Teachers' College, to contract with the Borough of Millersville for the erection of a sewage disposal plant and the connection therewith and use thereof by the Millersville State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1782, (Senate Bill No. 785), entitled:

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational education and making provision for additional types of vocational education for which funds may be provided by Congress

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1107, (Senate Bill No. 51), entitled:

An Act authorizing and empowering school districts to furnish food including milk to undernourished and poor school children in their districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1549, (Senate Bill No. 241), entitled:

An Act to further amend section two thousand six hundred and four of an act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the audit of accounts of fourth class school districts by the borough or township controller or auditors.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1841, (Senate Bill No. 1095), entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special or local, or any parts thereof, that are or may be inconsistent therewith," providing for minimum salary and increments of part-time teachers of children of exceptional physical or mental condition unable to attend regular public school, and for payments by the Commonwealth on account thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1866, (Senate Bill No. 905), entitled:

An Act to further amend clause (a) of section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rents, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of the opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years, by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals, and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more

persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," extending the provisions of said act to cases where real estate is held by entireties, and the one spouse has been declared weak-minded or mentally incompetent.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1209, (Senate Bill No. 1), entitled:

An Act providing that when inmates of an orphans' home or other children's institution, or private home, are maintained at the cost of any county other than a county of the second class or at the cost of a county institution district other than in a county of the second class and attend public school and are not legal residents of such school district the county shall pay their tuition charges and collect the same from the school district liable therefor

The first section was read.

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1014, entitled:

An Act to further amend clause eight of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the minimum salary of county superintendents.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1914, (Senate Bill No. 1218), entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one.

The first section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 2, by inserting at the end of said line the following: "and for the payment of expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred and forty-one."

The amendment was agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment, a new section.

The amendment was read by the Clerk as follows:

Amend Bill, page 2, by inserting between lines 13 and 14 the following section:

Section 3. Out of the moneys appropriated by section one of this act, there shall be allocated to the Treasury Department the sum of sixty thousand dollars (\$60,000), and to the Department of the Auditor General the sum of fifteen thousand dollars (\$15,000) to pay the administrative expenses of said departments in auditing and disbursing appropriations for or relating to public assistance, including any Federal funds supplementing such appropriations.

The amendment was agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 2, line 14, by striking out the figure "3" and inserting in lieu thereof: "4".

The amendment was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, last line of title, by inserting at the end of said line the following: "and for the payment of expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred and forty-one; and providing for certain allocations from such appropriation to the Department of the Auditor General and the Treasury Department."

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

RESOLUTION

RECALLING HOUSE BILL No. 251 FROM THE GOVERNOR

Mr. O'NEILL offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), that House Bill No. 251, Printer's No. 106, entitled "An Act to amend section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled 'An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof' by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employee or any other party in interest against the fund",

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

BILL PASSED OVER

There being no objection House Bill No. 1639, Printer's No. 1055, was passed over at the request of the SPEAKER.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1765, as follows:

An Act repealing and abandoning as a State highway State highway Route 03123 in Armstrong County and providing for the reversion thereof to the township.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 State highways Route 03123 in Armstrong County adopted by section two of the act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (P. L. 2143) entitled "An act to amend the act approved the twenty-second day of June one thousand nine hundred thirty one (P. L. 594) entitled 'An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act' as amended by changing certain routes and adding certain new routes" and now described as follows is hereby repealed and abandoned as a State highway and the same shall revert to and be maintained by the township in which it is located as provided by law in the case of roads abandoned as State highways.

Route 03123 Beginning at a point on Route 03084 at Rimer thence easterly and northerly through Madison Township to a road intersection at Rimer Hill School in Armstrong County a distance of 2.4 miles.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flynn,	Lovett,	Rose, W. E.,
Almond,	Foor,	Lyons,	Rosenfeld,
Auker,	French,	Malloy,	Royer,
Baker,	Gallagher,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarra,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Goodwin,	McDermott,	Serrill,
Boles,	Greenwood,	McDowell,	Shaffer,
Boney,	Gross,	McFall,	Shaw,
Boorse,	Gryskewicz,	McGrath,	Shepard,
Bower,	Gyger,	McIntosh,	Simons,
Bradley,	Habbyshaw,	McKinney,	Skale,
Breth,	Jaaberlen,	McLanahan,	Snyder,
Bretherick,	Haines,	McLane,	Sollenberger,
Brown,	Hamilton,	McMillen,	Sorg,
Brunner, C. H.,	Hare,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harkins,	Melchiorre,	Stine,
Burns,	Harmuth,	Mihm,	Stockham,
Burriss,	Harris,	Modell,	Tarr,
Cadwalader,	Heatherington,	Monks,	Tate,
Chervenak,	Helm,	Mooney,	Taylor,
Chudoff,	Hering,	Moran,	Thompson, E. F.,
Cochran,	Herman,	Muhr,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Munley,	Trout,
Cohen, R. E.,	Hewitt,	Nagel,	Turner,
Cook,	Hirsch,	Nunemacher,	Van Allsburg,
Cooper,	Holland,	O'Brien,	Verona,
Cordier,	Huntley,	O'Connor,	Vincent,
Croop,	Imbrie,	O'Dare,	Vogt,
Cullen,	James,	O'Mullen,	Voldow,
Dalrymple,	Jefferson,	O'Neill,	Voorhees,
Dennison,	Jones, G. E.,	Owens,	Wagner,
DiGenova,	Jones, P. N.,	Petrocky,	Watkins,
Dix,	Keenan,	Pettit,	Weingartner,
Dolon,	Kenehan,	Polaski,	Weise,
D'Ortona,	Kline,	Polen,	Welsh, E. B.,
Duffy,	Knoble,	Powers,	Welsh, M. J.,
Early,	Kolankiewicz,	Prosen,	Williams,
Eckels,	Komorowski,	Rank,	Winnier,
Elder,	Krise,	Rausch,	Wood, L. E.,
Elliot,	Lee, E. A.,	Readinger,	Wood, N.,
Ely,	Lee, T. H.,	Reagan,	Woodring,
Falkenstein,	Leisey,	Reese, D. P.,	Woodside,
Finestone,	Leonard,	Reese, R. E.,	Wright,
Finnerty,	Lesko,	Reynolds,	Yeakel,
Fisher,	Levy,	Rhea,	Yester,
Fiss,	Leydic,	Riley,	Young,
Fleming,	Lichtenwalter,	Rooney,	Killroy.
Fletcher,	Longo,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE BILLS ON THIRD READING MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that all House Bills on Third Reading, in their numerical order be made a special order of business immediately.

The motion was agreed to.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection House Bill No. 1002, Printer's No. 341, House Bill No. 990, Printer's No. 275, and House Bill No. 566, Printer's No. 898, were passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1638, as follows:

An Act to repeal subdivision (d) of article six containing sections 651, 652, 653, 654, and 655 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds association reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" eliminating provisions relating to Workmen's Compensation Insurance.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. LEVY. Mr. Speaker, I move that this bill be re-committed to the Committee on Workmen's Compensation for the purpose of further study.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1640, as follows:

An Act to amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 762) entitled "An act providing for the creation and administration of State Fund for the insurance of compensation for injuries to employees of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" providing for insurance in said fund of all employers liable to pay workmen's compensation eliminating provisions relating to insurance corporations or associations and workmen's compensation insurance covering officers and employees of the board.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. LEVY. Mr. Speaker, I move that this bill be re-committed to the Committee on Workmen's Compensation for the purpose of further study.

The motion was agreed to.

BILLS PASSED OVER

There being no objection House Bill No. 259, Printer's No. 964, House Bill No. 1216, Printer's No. 986, House Bill No. 1727, Printer's No. 957, House Bill No. 1728, Printer's No. 958, and House Bill No. 934, Printer's No. 1037, were passed over at the request of Mr. YESTER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1720, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the

Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania a certain tract of land of approximately one and one-fifth acres known as the "Dare property" situated in Susquehanna Township Dauphin County Pennsylvania and entirely surrounded by the present property of said hospital so as to avoid private ownership of property so located and the necessity of maintaining a public highway thereto over the lands of said hospital and to make possible the use of said lands with the buildings thereon for the said hospital

Section 2 Said tract of land when purchased shall be added to the lands of the Harrisburg State Hospital. The deeds of conveyance shall be deposited with the Secretary of Internal Affairs.

Said lands shall not be acquired until the titles thereto have been approved by the Department of Justice.

Section 3. The Sum of two thousand four hundred dollars (\$2,400) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of land and the expenses incidental thereto including title searches.

Section 4. This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flynn,	Lovett,	Rose, W. E.,
Allmond,	Foor,	Lyons,	Rosenfeld,
Auker,	French,	Malloy,	Royer,
Baker,	Gallagher,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarra,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Goodwin,	McDermott,	Serrill,
Boles,	Greenwood,	McDowell,	Shaffer,
Boney,	Gross,	McFall,	Shaw,
Boorse,	Gryskewicz,	McGrath,	Shepard,
Bower,	Gyger,	McIntosh,	Simons,
Bradley,	Habbyshaw,	McKinney,	Skale,
Breth,	Haberlien,	McLanahan,	Snyder,
Bretherick,	Haines,	McLane,	Sollenberger,
Brown,	Hamilton,	McMillen,	Sorg,
Brunner, C. H.,	Hare,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harkins,	Melchiorre,	Stine,
Burns,	Harmuth,	Mihm,	Stockham,
Burriss,	Harris,	Modell,	Tarr,
Cadwalader,	Heatherington,	Monks,	Tate,
Chervenak,	Heim,	Mooney,	Taylor,
Chudoff,	Hering,	Moran,	Thompson, E. F.,
Cochran,	Herman,	Muir,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Munley,	Trout,
Cohen, R. E.,	Hewitt,	Nagel,	Turner,
Cook,	Hirsch,	Nunemacher,	Van Allsburg,
Cooper,	Holland,	O'Brien,	Verona,
Cordier,	Huntley,	O'Connor,	Vincent,
Croop,	Imbrie,	O'Dare,	Vogt,
Cullen,	James,	O'Mullen,	Voldow,
Dalrymple,	Jefferson,	O'Neill,	Voorhees,
Dennison,	Jones, G. E.,	Owens,	Wagner,
DiGenova,	Jones, P. N.,	Petrosky,	Watkins,
Dix,	Keenan,	Pettit,	Welingartner,
Dolon,	Kenehan,	Polaski,	Weise,
D'Ortona,	Kline,	Kolen,	Welsh, E. B.,
Puffy,	Knoble,	Powers,	Welsh, M. J.,
Early,	Kolaniewicz,	Prosen,	Williams,
Eckels,	Komorowski,	Rank,	Winner,
	Krise,	Rausch,	Wood, L. H.,

Elder,
Elliot,
Ely,
Falkenstein,
Finestone,
Finnerty,
Fisher,
Fiss,
Fleming,
Fletcher,

Lee, E. A.,
Lee, T. H.,
Lelsey,
Leonard,
Lesko,
Levy,
Leydic,
Lichtenwalter,
Longo,

Readinger,
Reese, D. P.,
Reese, R. E.,
Regan,
Reynolds,
Rhea,
Riley,
Rooney,
Rose, S.,

Wood, N.,
Woodring,
Woodside,
Wright,
Yeakel,
Yeater,
Young,
Kilroy,
Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1336, entitled as follows:

An Act authorizing and directing the Department of Property and Supplies to reprint the Report of the Commission to Locate the Sites of the Frontier Forts of Pennsylvania and providing for the distribution thereof.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The Department of Property and Supplies is hereby authorized and directed to reprint and bind at the expense of the Commonwealth two thousand copies of the publication entitled "Report of the Commission to Locate the Sites of the Frontier Forts of Pennsylvania" which was authorized by concurrent resolution approved the twenty-fourth day of January one thousand eight hundred ninety-five and directed to be reprinted by the act approved the twenty-fifth day of June one thousand nine hundred thirteen (P. L. 1267). The publication shall be revised and edited under the direction of the Pennsylvania Historical Commission and shall be printed with illustrations in two volumes and bound in cloth.

Section 2. Copies of the publication hereby authorized shall be distributed by the Department of Property and Supplies in the manner provided in the case of State publications by section two thousand four hundred and six of the Administrative Code of 1929.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flynn,	Lovett,	Rose, W. E.,
Allmond,	Foor,	Lyons,	Rosenfeld,
Auker,	French,	Malloy,	Royer,
Baker,	Gallagher,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarra,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Goodwin,	McDermott,	Serrill,
Boles,	Greenwood,	McDowell,	Shaffer,
Boney,	Gross,	McFall,	Shaw,
Boorse,	Gryskewicz,	McGrath,	Shepard,
Bower,	Gyger,	McIntosh,	Simons,
Bradley,	Habbyshaw,	McKinney,	Skale,
Breth,	Haberlien,	McLanahan,	Snyder,
Bretherick,	Haines,	McLane,	Sollenberger,
Brown,	Hamilton,	McMillen,	Sorg,
Brunner, C. H.,	Hare,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harkins,	Melchiorre,	Stine,
Burns,	Harmuth,	Mihm,	Stockham,
Burriss,	Harris,	Modell,	Tarr,
Cadwalader,	Heatherington,	Monks,	Tate,
Chervenak,	Heim,	Mooney,	Taylor,
Chudoff,	Hering,	Moran,	Thompson, E. F.,
Cochran,	Herman,	Muir,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Munley,	Trout,

Cohen, R. E.,	Hewitt,	Nagel,	Turner,
Cook,	Hirsch,	Nunemacher,	VanAlsbury,
Cooper,	Holland,	O'Brien,	Verona,
Cordier,	Huntley,	O'Connor,	Vincent,
Croop,	Imbrie,	O'Dare,	Vogt,
Cullen,	James,	O'Mullen,	Voldow,
Dalrymple,	Jefferson,	O'Neill,	Voorhees,
Dennison,	Jones, G. E.,	Owens,	Wagner,
DiGenova,	Jones, P. N.,	Petrosky,	Watkins,
Dix,	Keenan,	Pettit,	Weingartner,
Dolon,	Kenehan,	Polaski,	Weiss,
D'Ortona,	Kline,	Polen,	Welsh, E. B.,
Duffy,	Knoble,	Powers,	Welsh, M. J.,
Early,	Kolankiewicz,	Frosen,	Williams,
Eckels,	Komorowski,	Rank,	Winner,
Elder,	Krise,	Rausch,	Wood, L. H.,
Elliott,	Lee, A.,	Readinger,	Wood, N.,
Lly,	Lee, T. H.,	Reagan,	Woodring,
Falkenstein,	Leisey,	Reese, D. P.,	Woodside,
Finestone,	Leonard,	Reese, R. E.,	Wright,
Finnerty,	Lesko,	Reynolds,	Yeakel,
Fisher,	Levy,	Rhea,	Yester,
Fiss,	Leydic,	Riley,	Young,
Fleming,	Lichtenwalter,	Rooney,	Kilroy,
Fletcher,	Longo,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1703, entitled:

An Act limiting the amount of costs of prosecution payable by persons when appeals from the payment of fines for summary convictions are not sustained.

On the question,

Will the House agree to the bill on third reading?

Mr. CHUDOFF: Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, last line of title, by inserting after the word "convictions" the following: "in counties of the first class".

Amend Sec. 1, page 1, line 2, by inserting after the word "conviction" the following: "in counties of the first class".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1501, as follows:

An Act authorizing the Secretary of the Department of Forests and Waters to lease a tract of land in Jackson Township Dauphin County to the Susquehannock Indian Tribe

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The Secretary of Forests and Waters, with the approval of the State Forest Commission is hereby authorized to lease at a nominal rental to the Susquehannock Indian Tribe a tract of land not exceeding one hundred acres situated in the Haldeman Tract in Jackson Township Dauphin County the boundaries and extent of said tract to be fixed by the Secretary of Forests and Waters with the approval of the State Forest Commission.

Section 2. This act shall become effective immediately upon final enactment.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I desire to interrogate Chief Habbyschaw.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

(No response from Mr. Habbyschaw).

Mr. TURNER. Mr. Speaker, the gentleman not desiring to break his rule of never making a speech says that they stole this land from the Indians and now they are going to give it back to them. My question pertained to what I thought was a personal interest of the gentleman from Dauphin. I understand that..

The SPEAKER. The Chair would like to get some of that personal interest.

Mr. TURNER. Do I understand that the Chair wants personal interest?

The SPEAKER. The gentleman said personal interest.

Mr. TURNER. Personal interest of Chief Habbyschaw?

The SPEAKER. For the information of the gentleman from Delaware this is also a Taylor bill. The Clerk will call the roll.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flynn,	Lovett,	Rose, W. E.,
Allmond,	For,	Lyons,	Rosenfeld,
Auker,	French,	Malloy,	Royer,
Baker,	Gallagher,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarraf,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Goodwin,	McDermott,	Serrill,
Boles,	Greenwood,	McDowell,	Shaffer,
Boney,	Gross,	McFall,	Shaw,
Boorse,	Gryskewicz,	McGrath,	Shepard,
Bower,	Gyger,	McIntosh,	Simons,
Bradley,	Habbyschaw,	McKinney,	Skale,
Breth,	Haberlen,	McLanahan,	Snyder,
Bretherick,	Haines,	McLane,	Sollenberger,
Brown,	Hamilton,	McMillen,	Sorg,
Brunner, C. H.,	Hare,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harkins,	Melchiorre,	Stine,
Burns,	Harmuth,	Mihm,	Stockham,
Burris,	Harris,	Modell,	Tarr,
Cadwalader,	Heatherington,	Monks,	Tate,
Chervenak,	Helm,	Mooney,	Taylor,
Chudoff,	Hering,	Moran,	Thompson, E. F.,
Cochran,	Herman,	Muir,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Munley,	Trout,
Cohen, R. E.,	Hewitt,	Nagel,	Turner,
Cook,	Hirsch,	Nunemacher,	Van Alsbury,
Cooper,	Holland,	O'Brien,	Verona,
Cordier,	Huntley,	O'Connor,	Vincent,
Croop,	Imbrie,	O'Dare,	Vogt,
Cullen,	James,	O'Mullen,	Voldow,

Dalrymple,	Jefferson,	O'Neill,	Voorhees,
Dennison,	Jones, G. E.,	Owens,	Wagner,
DiGenova,	Jones, P. N.,	Petrosky,	Watkins,
Dix,	Keenan,	Pettit,	Weingartner,
Dolon,	Kenahan,	Polaski,	Weiss,
D'Ortona,	Kline,	Polen,	Welsh, E. B.,
Duffy,	Knoble,	Powers,	Welsh, M. J.,
Early,	Kolankiewicz,	Prosen,	Williams,
Eckels,	Komorofski,	Rank,	Winner,
Elder,	Krise,	Rausch,	Wood, L. H.,
Elliott,	Lee, E. A.,	Readinger,	Wood, N.,
Ely,	Lee, T. H.,	Reagan,	Woodring,
Falkenstein,	Lelsey,	Reese, D. P.,	Woodside,
Finestone,	Leonard,	Reese, R. E.,	Wright,
Finnerty,	Lesko,	Reynolds,	Yeakel,
Fisher,	Levy,	Rhea,	Yester,
Fiss,	Leydic,	Riley,	Young,
Fleming,	Lichtenwalter,	Rooney,	Kilroy,
Fletcher,	Longo,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. HEWITT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Indiana will state his question of personal privilege.

Mr. HEWITT. Mr. Speaker, I don't know whether it makes any difference or not, but I notice that House Bill 1336 and House Bill 1703 have the same Printer's Number.

The SPEAKER. The Chair thanks the gentleman from Indiana. For the information of the gentleman from Indiana, it makes no difference whether the Printer's numbers appearing on the Calendar are correct or not. Members vote on the bills and not on the titles as they appear on the Calendar.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1161, entitled as follows:

An Act requiring cities of the third class to allot the sum of sixty dollars to all uniformed officers and men employed in the police department fire department and health department for the purchase of their prescribed uniforms

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All uniformed officers and men employed by any city of the third class in the police department fire department or health department of such city shall be allotted the sum of sixty dollars per annum to be used for the purchase of their prescribed uniforms Such allotments shall be paid in four quarterly installments

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flynn,	Lovett,	Rose, W. E.,
Almond,	Foor,	Lyons,	Rosenfeld,
Auker,	French,	Malloy,	Royer,
Baker,	Gallagher,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baugher,	Gillan,	McClanaghan,	Sarraf,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Goodwin,	McDermott,	Serrill,
Boies,	Greenwood,	McDowell,	Shaffer,
Boney,	Gross,	McFall,	Shaw,
Boorse,	Gryskewicz,	McGrath,	Shepard,
Bower,	Cyger,	McIntosh,	Simons,
Bradley,	Habbyshaw,	McKinney,	Skale,
Breth,	Haberlen,	McLanahan,	Snyder,
Bretherick,	Haines,	McLane,	Sollenberger,
Brown,	Hamilton,	McMillen,	Sorg,
Brunner, C. H.,	Hare,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harkins,	Melchiorre,	Stine,
Burns,	Harmuth,	Mihm,	Stockham,
Burns,	Harris,	Modell,	Tarr,
Burris,	Heatherington,	Monks,	Tate,
Cadwalader,	Helm,	Mooney,	Taylor,
Chervenak,	Hering,	Moran,	Thompson, E. F.,
Chudoff,	Herman,	Muir,	Thompson, R. L.,
Cochran,	Hersch,	Munley,	Trout,
Cohen, M. M.,	Hewitt,	Nagel,	Turner,
Cohen, R. E.,	Hirsch,	Nunemacher,	VanAllsburg,
Cook,	Holland,	O'Brien,	Verona,
Cooper,	Huntley,	O'Connor,	Vincent,
Cordier,	Imbrie,	O'Dare,	Vogt,
Croop,	James,	O'Mullen,	Voldow,
Cullen,	Jefferson,	O'Neill,	Voorhees,
Dalrymple,	Jones, G. E.,	Owens,	Wagner,
Dennison,	Jones, P. N.,	Petrosky,	Watkins,
DiGenova,	Keenan,	Pettit,	Weingartner,
Dix,	Kenahan,	Polaski,	Weiss,
Dolon,	Kline,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Williams,
Early,	Komorofski,	Rank,	Winner,
Eckels,	Krise,	Rausch,	Wood, L. H.,
Elder,	Lee, E. A.,	Readinger,	Wood, N.,
Elliott,	Lee, T. H.,	Reagan,	Woodring,
Ely,	Lelsey,	Reese, D. P.,	Woodside,
Falkenstein,	Leonard,	Reese, R. E.,	Wright,
Finestone,	Lesko,	Reynolds,	Yeakel,
Finnerty,	Levy,	Rhea,	Yester,
Fisher,	Leydic,	Riley,	Young,
Fiss,	Lichtenwalter,	Rooney,	Kilroy,
Fleming,	Longo,	Rose, S.,	Speaker.
Fletcher,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1631, as follows:

An Act authorizing and directing the Department of Highways to erect construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum Allegheny County and a point in Westmoreland County and to provide the necessary approaches and connections with State highways providing for the acceptance of Federal aid empowering counties to pay certain damages and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Highways is hereby authorized and directed to erect and construct a three lane bridge over the Allegheny River at a convenient point in or near the Borough of Tarentum in Allegheny County to a point on the opposite side of said river in the county of Westmoreland to connect the State highways on both sides of said river and to acquire the necessary land for approaches thereto

In the construction of said bridge and the approaches thereto and connections with existing State highways the

Department of Highways shall have all of the powers and authority conferred with respect to the relocation widening or construction of State highways Any damages sustained by reason of taking property in the relocation widening or construction of any such bridge the approaches thereto and connections with State highways shall be ascertained in accordance with laws applicable to the ascertainment of damages in relocating widening and constructing State highways and such damages when ascertained shall be paid by the Commonwealth or county or counties as may be agreed upon in accordance with the laws relating to State highways

Section 2 The Department of Highways is hereby authorized to accept grants of funds from any Federal agency for the construction of such bridge and the approaches thereto and connections with State highways Any such moneys shall be held by the State Treasurer as custodian for the Department of Highways and the same shall be paid out on requisition of the department without further appropriation

Section 3 If such bridge is to be constructed under contract and to be paid for wholly or in part from Federal funds and the project involves additional work to be contracted and paid for by a county or counties the advertisement by the Department of Highways shall be the only advertising necessary any other acts or requirements to the contrary notwithstanding

Section 4 The Department of Highways shall have authority to make and carry out contracts and to do every other act necessary to carry out the project herein authorized and is authorized to conform to the requirements and rules and regulations of the proper Federal authorities with respect to such projects if Federal moneys are advanced for such project Nothing herein contained shall in anywise diminish any authority or powers now or hereafter conferred on the Department of Highways by any other act of Assembly

Section 5 The Department of Highways shall after the completion of such bridge maintain the same free of tolls for the use of the public

Section 6 The sum of one million dollars (\$1,000,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund in the State Treasury to the Department of Highways for the construction of such bridge the approaches thereto the connections with State highways and for the payment of damages for property taken injured or destroyed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McMILLEN. Mr. Speaker, I realize there has been a reduction in the amount appropriated to build the bridge provided for in the bill. I am wondering whether the reduction in the bill will permit the building of a bridge sufficiently strong to carry the weight of Mr. Leydic over it. I should hate to think that the building of a bridge would not carry the gentleman into his home town.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flynn,	Lovett,	Rose, W. B.,
Allmond,	Foor,	Lyons,	Rosenfeld,
Auker,	French,	Malloy,	Royer,
Baker,	Gallagher,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarra,
Bentley,	Gillette,	McClester,	Schwab,

Bentzel,	Goodwin,	McDermott,	Serrill,
Boles,	Greenwood,	McDowell,	Shaffer,
Boney,	Gross,	McFall,	Shaw,
Boorse,	Gryskewicz,	McGrath,	Shepard,
Bower,	Gyger,	McIntosh,	Simons,
Bradley,	Habbyshaw,	McKinney,	Skale,
Breth,	Haberlen,	McLanahan,	Snyder,
Bretherick,	Haines,	McLane,	Sollenberger,
Brown,	Hamilton,	McMillen,	Sorg,
Brunner, C. H.,	Hare,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harkins,	Melchiorre,	Stine,
Burns,	Harmuth,	Mihm,	Stockham,
Burriss,	Harris,	Modell,	Tarr,
Cadwalader,	Heatherington,	Monks,	Tate,
Chervenak,	Helm,	Mooney,	Taylor,
Chudoff,	Hering,	Moran,	Thompson, E. F.,
Cochran,	Herman,	Muir,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Munley,	Trout,
Cohen, R. E.,	Hewitt,	Nagel,	Turner,
Cook,	Hirsch,	Nunemacher,	Van Allsburg,
Cooper,	Holland,	O'Brien,	Verona,
Cordier,	Huntley,	O'Connor,	Vincent,
Croop,	Imbrie,	O'Dare,	Vogt,
Cullen,	James,	O'Mullen,	Voldow,
Dalrymple,	Jefferson,	O'Neill,	Voorhees,
Dennison,	Jones, G. E.,	Owens,	Wagner,
DiGenova,	Jones, P. N.,	Petrosky,	Watkins,
Dix,	Keenan,	Pettit,	Weingartner,
Dolon,	Kenehan,	Polaski,	Weiss,
D'Ortona,	Kline,	Polen,	Welsh, E. B.,
Duffy,	Knoble,	Powers,	Welsh, M. J.,
Early,	Kolankiewicz,	Prosen,	Williams,
Eckels,	Komorowski,	Rank,	Winner,
Elder,	Krize,	Rausch,	Wood, L. H.,
Elliot,	Lee, E. A.,	Readinger,	Wood, N.,
Ely,	Lee, T. H.,	Reagan,	Woodring,
Falkenstein,	Lelsey,	Reese, D. P.,	Woodside,
Finestone,	Leonard,	Reese, R. E.,	Wright,
Finnerty,	Lesko,	Reynolds,	Yeakel,
Fisher,	Levy,	Rhea,	Yester,
Fiss,	Leydic,	Riley,	Young,
Fleming,	Lichtenwalter,	Rooney,	Kilroy,
Fletcher,	Longo,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. PETROSKY.

The House resumed the consideration on final passage of House Bill No. 814, as follows:

An Act regulating the payment of wages or compensation for labor or service in certain private employments establishing regular pay days imposing certain duties upon employes conferring powers and duties upon the Department of Labor and Industry imposing additional powers and duties on the Secretary of the Department of Labor and Industry for the civil collection of wages imposing civil and criminal penalties for the violations of the act and providing for their collection and disposition and repealing inconsistent legislation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Definitions (a) Whenever used in this act "employer" includes every person firm partnership association corporation receiver or other officer of a court of this State and any agent or officer of any of the above-mentioned classes employing any person in this State. Provided however That employers engaged in agriculture or employing only domestic servants shall not be subject to the provisions of this act.

(b) "Wages" shall mean all amounts at which the labor or service rendered is recompensed whether the

amount is fixed or ascertained on a time task piece commission basis or other method of calculating such amount.

Section 2. Semi-monthly Pay Day. Every employer shall pay to his employes the wages earned at least semi-monthly or twice during each calendar month on days to be designated in advance by the employer as the regular pay day. Provided, That all wages earned in any pay period shall be paid within seven days after the expiration of said pay period. He shall pay such wages in full in lawful money of the United States or checks on banks convertible into cash on demand at full face value thereof.

Nothing in this section shall interfere or change in any manner any agreements on pay schedules contained in contracts between bona fide labor unions and employers.

Section 3. Posting and Notification. (a) It shall be the duty of every employer to notify his employes in writing at the time of hiring of the day the hour therein and place of payment of the rate of pay and of any change with respect to any of these items prior to the time of said change. Alternatively however every employer shall have the option of giving such notification by posting the aforementioned facts and keeping them posted conspicuously at the employer's place of business.

(b) Failure to post and to keep posted any notice as well as any failure to give written notice as prescribed in this section shall be deemed a misdemeanor and punishable as set forth in section eleven hereof.

Section 4. Employes who are Separated from Pay Roll Before Pay Days. (a) Discharged Employes Whenever an employer separates an employe from the pay roll the unpaid wages or compensation of such employe shall become due immediately and the employer shall pay such wages to the employe within twenty-four hours of the time of separation.

(b) Employes Quitting. Whenever an employe (not having a written contract for a definite period) quits or resigns his employment the wages or compensation earned shall become due and payable at the next regular pay day of his employer.

(c) Industrial Disputes. In the event of the suspension of work as the result of an industrial dispute the wages and compensation earned and unpaid at the time of said suspension shall become due and payable at the next regular pay day as provided in section two of this act including without abatement or reduction all amounts due all persons whose work has been suspended as a result of such industrial dispute together with any deposit or other guaranty held by the employer for the faithful performance of the duties of the employment.

Section 5. Unconditional Payment of Wages Conceded to be Due. In case of a dispute over wages the employer shall give written notice to the employe of the amount of wages which he concedes to be due and shall pay such amount without condition within the time set by this act. Provided, That acceptance by the employe of any payment made hereunder shall not constitute a release as the balance of his claim.

Section 6. Provisions of Law may not be Waived by Agreement. Nothing contained in this act shall in any way limit or prohibit the payment of wages or compensation at more frequent intervals or in greater amounts or in full when or before due but no provision of this act can in any way be contravened or set aside by a private agreement.

Section 7. Enforcement. It shall be the duty of the Secretary of the Department of Labor and Industry to insure compliance with the provisions of this act to investigate as to any violations of this act and to institute or cause to be instituted actions for penalties and forfeitures provided hereunder. The Secretary of the Department of Labor and Industry may hold hearings to satisfy himself as to the justice of any claim and he shall cooperate with any employe in the enforcement of a claim against his employer in any case whenever he finds upon investigation that the provisions of this act have been violated.

Any effort of any employer to obstruct the Secretary

of the Department of Labor and Industry and his authorized representatives in the performance of their duties shall be deemed a violation of this act and punishable as such.

Section 8. Forfeiture and Penalties. (a) Any employer who shall violate or fail to comply with any of the provisions of this act after notice by the Department of Labor and Industry shall forfeit ten dollars to the Department of Labor and Industry for each such violation or noncompliance. Each day of failure to pay wages due such employes at the time specified in this act shall raise a separate and distinct forfeiture. All such forfeitures shall be recovered in an action of debt by the Department of Labor and Industry in the name of the State of Pennsylvania.

(b) Any employed who shall violate or fail to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof in summary proceedings shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each separate offense.

Section 9. Assignment of Wage Claims to Secretary of the Department of Labor and Industry for Recovery by Civil Action. The Secretary of the Department of Labor and Industry shall have power and authority to take assignments of wage claims rights of action for penalties provided by section four of this act mechanics' and other liens of workers not to exceed two hundred dollars in the case of any one claim and shall have power and authority to prosecute actions for the collection of such claims of persons who in the judgment of the Secretary of the Department of Labor and Industry are entitled to the services of the Secretary of the Department of Labor and Industry and who in his judgment have claims which are valid and enforceable in the courts.

Section 10. Costs of Civil Actions by Secretary of the Department of Labor and Industry. (a) In all actions brought by the Secretary of the Department of Labor and Industry as assignee under section twelve of this act no court costs of any nature shall be required to be advanced nor shall any bond or other security therefor be required from the said Secretary of the Department of Labor and Industry in connection with the same.

(b) Any sheriff constable or other officer requested by the said Secretary of the Department of Labor and Industry to serve summons writs complaints orders including any garnishment papers and all necessary and legal papers within his jurisdiction shall do so without requiring the Secretary of the Department of Labor and Industry to advance the fees or furnish any security or bond therefor.

(c) Whenever the Secretary of the Department of Labor and Industry shall require that the sheriff constable or other officer whose duty it is to seize property or levy thereon in any attachment proceedings or to satisfy any wage claim judgment said officer shall do so without requiring the Secretary of the Department of Labor and Industry to furnish any security or bond in such action. Such officer in carrying out the provisions of this paragraph shall not be responsible in damages for any wrongful seizure made in good faith.

But whenever anyone other than the defendant claims the right of possession or ownership to such seized property then in such case the officer may permit such claimant to have the custody of such property pending a determination of the court as to who has right of possession or ownership of such property.

(d) Out of any recovery on a judgment in such a suit there shall be paid first the witness fees to the garnishee defendant second the wage claims involved third the sheriffs' or constables' fees and fourth the court costs.

Section 11. Provided that anything contained herein to the contrary notwithstanding an employer may enter into a contract or agreement with a bona fide labor union representing the employes of such employer through recognized collective bargaining which agreement or contract may provide that the employer shall deduct from wages due to the employees union initiation fees dues and assess-

ments which are to be paid over to the union or moneys owing to the employer for the payment of merchandise equipment tools or other accessories used in the occupation by the employes and which have been purchased by them from the employer or for other legitimate accounts upon proper assignments by the employes.

Section 12. Separability of Provisions. If any provision of this act or the application thereof to any person or circumstances is held invalid the remainder of the act and the application of such provision to the person or circumstances shall not be affected thereby.

Section 13. All acts or parts of acts inconsistent herewith are hereby repealed.

Section 14. This act shall become effective immediately upon final enactment.

On the question,

Shall the bill pass finally?

Mr. JAMES. Mr. Speaker, I am sorry that I seemed to be a little late in asking for the floor on this bill, but I understood that the sponsor was going to explain the bill to the House.

I want to say that I am delighted that at long last dear old House Bill 814 is to have its day. Mr. Speaker, I do not think it would be mete to allow this dear friend to depart from amongst us and pass into the ethereal vastness without at least some comment, a few words shall we say, of obituary. This House Bill 814 has followed the tortuous course of this Legislature uphill and down dale, over bridges and around curves, for lo! these many months. It has been our constant companion on the daily calendar since long before winter's snow gave way to summer's showers.

Mr. Speaker, I believe House Bill 814 has established a record that is unique for bills in this Legislature. It has suffered every legislative torture that could be inflicted on any bill and still have it remain on the calendar without interruption. Everything has happened to House Bill 814 that can possibly happen to a bill under the rules of the House, except recommitting it to committee and I believe a bill that has such a record for tenacity should have a decent burial. I do not believe it would be decent for me to recommend to the members of the House that they vote against the bill. To do a thing like that to a bill that has won a place of real affection in our hearts would be to commit an act that might be comparable to slapping your grandmother in the face.

Mr. Speaker, in the days of its pristine glory, House Bill 814 was designed to do something very wonderful for about one half of one percent of all the people employed in Pennsylvania who have the misfortune to tie in their services with some chiseler or cheat who either does not have the money or does not have the wish to pay the wages they earn when they are due. To accomplish that purpose House Bill 814 set up one of the most wonderful and gorgeous fabrics of collection techniques that could possibly be devised. Of course, Mr. Speaker, in what has happened to House Bill 814 nothing of that remains. The only thing that remains in House Bill 814 is the damn nuisances that were written into it in the first place. It might not be good legislative effort if we pass this bill; perhaps it is our duty in spite of everything that has been said about the affection that we all must feel for it, to vote against it. But Mr. Speaker and Members of the House I certainly do not want to be guilty of murder.

Mr. PETROSKY. Mr. Speaker, I certainly must thank the gentleman from Delaware Mr. James for the flowery

adjectives he used to describe the bill, and inasmuch as he has taken such a liking to it, if the rules of the House will permit I will be willing to extend the courtesy of co-sponsorship to him at this time.

In considering the legal aspects of House Bill 814 it is advisable to break up the act into three component parts so that all of its provisions may be thoroughly considered.

By sections one and two, employers are required, unless the contract of employment provides otherwise, to pay wages semi-monthly. Employers engaged in agriculture or employing only domestic servants are exempted from the provisions of the act.

The provisions relative to the semi-monthly payment of wages is a reenactment of the act, approved April 24, 1913, P. L. 114. This act has been upheld as constitutional in a great many common pleas decisions. The outstanding being Commonwealth vs. Hanse, 29 Del. County 429 and Commonwealth vs. Lipschutz, 19 District & County 415. There is no question that this provision cannot be objected to legally. Considering the exemption given to agricultural and domestic servants you are, of course, familiar with these exemptions in the Unemployment Compensation Act and the Workmen's Compensation Act, and these exemptions have been universally sustained.

The second component part of House Bill 814 is the fact that it provides a penalty for the nonpayment of wages. Such penalty is made in the nature of a forfeiture and is not intended to persecute the honest employer. Again the decisions sustaining the 1913 act referred to above hold that the penalty provisions are valid.

The third and final component part of the bill is one setting up a procedure whereby the Secretary of the Department of Labor and Industry may, as assignee of any wage claimant, institute civil actions against the defaulting employers. The question that these facts of the bill raise is whether or not they contravene article three, section seven of the Pennsylvania Constitution, which provides that the General Assembly shall not pass any local or special law regulating labor, trade, mining or manufacturing, or providing or changing the methods for the collection of debts. As to the first proposition, the 1913 act was held to be a valid regulating act and was not special legislation affecting labor or trade. As to the second possible objection, namely, setting forth a new method of collection in view of the fact that the act authorizes the Secretary of the Department of Labor and Industry merely to act as assignee of any wage claimant or as his duly authorized agent, I can see that this is in no way contravenes that provision of our Constitution. Acts allowing the Secretary of the Department of Revenue to act as agent for the acceptance of legal process or the Insurance Commissioner to do so have been upheld, and such a procedure has been sustained as not changing the method for the collection of debts.

To sum up then, House Bill 814 is, in the opinion of the sponsor, constitutional in every respect. The language sustaining it could be taken directly from Commonwealth ex relation vs. Lipschutz, cited above, which states "The act is a proper exercise of the police power, as it is obviously designed to protect employes from unscrupulous employers who would fail to provide a definite time for the payment of earnings or wages in making contracts of employment, and then by deferring the payment of the wages for an excessive period of time, either defraud their employes or reduce them to a condition tantamount to

serfdom. It in no manner restricts or impairs the rights of employes or employers to agree as to the time of payment. Nor is the act subject to the objection that it is special legislation." It remedies an outstanding weakness of the 1913 act, and its provisions are not unduly burdensome on employers who are scrupulous and honest.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Petrosky, Lesko and Marshall M. Cohen asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—116

Achterman,	Finnerty,	Marks,	Reynolds,
Baker,	Fleming,	Maxwell,	Rooney,
Balthaser,	Flynn,	McClanaghan,	Rose, S.,
Baughar,	French,	McDermott,	Rosenfeld,
Boles,	Gallagher,	McFall,	Rush,
Boney,	Gerard,	McLane,	Sarrafi,
Bradley,	Goodwin,	McSurdy,	Scanlon,
Breth,	Gryskewicz,	Melchiorre,	Schwab,
Brown,	Haberlen,	Mihm,	Shaffer,
Brunner, P. A.,	Haines,	Modell,	Shaw,
Burns,	Hamilton,	Monks,	Shepard,
Chervenak,	Harmuth,	Mooney,	Skale,
Chudoff,	Heatherington,	Moran,	Tarr,
Cohen, M. M.,	Herman,	Munley,	Tate,
Cohen, R. E.,	Hersch,	Nagel,	Vincent,
Cordier,	Hirsch,	Nunemacher,	Vogt,
Corrigan,	Holland,	O'Brien,	Voidow,
Croop,	Jefferson,	O'Connor,	Watkins,
Cullen,	Jones, P. N.,	O'Dare,	Weiss,
Dalrymple,	Kenehan,	O'Mullen,	Weish, E. B.,
Dennison,	Kline,	O'Neill,	Weish, M. J.,
DiGenova,	Kolankiewicz,	Owens,	Wilkinson,
Dolon,	Komorofski,	Petrosky,	Williams,
D'Ortona,	Krise,	Pettit,	Woodring,
Duffy,	Leonard,	Polaski,	Wright,
Early,	Lesko,	Polen,	Yester,
Elliot,	Levy,	Powers,	Young,
Ely,	Longo,	Prosen,	Kilroy,
Falkenstein,	Lovett,	Rausch,	Speaker.
Finestone,	Malloy,	Reese, R. E.,	

NAYS—42

Auker,	Hewitt,	Reagan,	Stockham,
Bretherick,	Imbrie,	Reese, D. P.,	Taylor,
Cadwalader,	James,	Rhea,	Thompson, R. L.,
Cook,	Jones, G. E.,	Rose, W. E.,	Trout,
Cooper,	Lee, E. A.,	Royer,	Turner,
Fiss,	Lyons,	Sarge,	Van Allsburg,
Foor,	McClester,	Simons,	Wagner,
Greenwood,	McDowell,	Snyder,	Wood, N.,
Gross,	McKinney,	Sorg,	Woodside,
Gyger,	McMillen,	Stambaugh,	Yeakel,
Habbyshaw,	Muir,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL No. 1470 FROM THE GOVERNOR

Mr. WOODSIDE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), that House Bill No. 1470, Printer's No. 677, entitled "An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employ-

ment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE BILL No. 949 TAKEN FROM TABLE

Mr. REUBEN E. COHEN. Mr. Speaker, I move that House Bill No. 949, together with the communication from the Governor which was laid on the table June 12, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 949

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 949, Printer's No. 717, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RESOLUTION

RECALLING HOUSE BILL No. 949 FROM THE GOVERNOR

Mr. REUBEN E. COHEN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 24, 1941.

Resolved, (if the Senate concur), That House Bill No. 949, Printer's No. 717, entitled "An Act to further amend section nine of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 363), entitled 'An act relating to the organization, jurisdiction and procedure of the orphans' courts, the powers and duties of the judges thereof, and appeals therefrom,' by imposing liability on executors, administrators or trustees for real estate brokers' commissions in certain cases," which was recalled from the Governor June 12th, and laid on the table June 12th, be returned to the Governor without amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. HABERLEN asked and obtained permission for the Committee on Dairy Industries to meet during the session of the House.

QUESTION OF PERSONAL PRIVILEGE

Mr. HEWITT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Indiana will state his question of personal privilege.

Mr. HEWITT. Mr. Speaker, a short time ago I called the Chair's attention to the fact that two bills on today's calendar had the same Printer's Number, at which time the Chair thanked me. I wish to thank the Speaker for informing me that Members vote on bills and not on the titles on the calendar. I was under the wrong impression for several years.

MINORITY REPORT OF HOUSE COMMITTEE TO INVESTIGATE PHILADELPHIA GAS EXPLOSION

Mr. THOMAS H. LEE. Mr. Speaker, I desire to submit the minority report of the House Committee appointed to investigate the Philadelphia Gas Explosion appointed pursuant to House Resolution No. 25, adopted February 19, 1941.

The SPEAKER. The report will be noted in the Journal of the House and printed in the Appendix to the Legislative Journal.

REPORT FROM COMMITTEE

Mr. LESKO, from the Committee on Dairy Industries, reported as committed House Bill No. 1919, entitled:

An Act to amend section 103, 301, 304, 305, 307, 308, 310, 311, 401, 402, 403, 404, 405, 410, 501, 502, 503, 505, 506, 508, 510, 511, 512, 513, 703, 801, 802, 803, 804, 807, 808, 809, 904, 1013 and 1101 of the act approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempt and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder and making appropriations," by adding the term "handler" as a synonym for the term

"milk dealer", defining the terms "handle" and "handler"; extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission; enabling certain officers, employees and agents to administer oaths; providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders; enabling employees of the commission to photograph, photostat, mark or stamp for identification books and papers that they have inspected; providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders; requiring milk dealers or handlers to be licensed; stating grounds for refusal, suspension, revocation of licenses and the right to transfer licenses; stating grounds for refusal of the right to apply for a license; stating the effect of service by registered mail; enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers; prescribing the effective date and term of such bonds and providing for their release; providing for the increase or decrease of the amounts of bonds; prescribing the effect or orders and findings of fact of the commission relating to licenses in suits or bonds; providing for payment to those entitled thereto of moneys in the hands of the commission owing from dealers or handlers to producers and from subdealers or subhandlers to dealers or handlers; increasing the scope of regulation of subdealers or subhandlers; making certain information available to cooperatives and producers' groups; clarifying the requisites of orders fixing prices for milk; providing for the competency of certain statistical testimony and data; providing that all provisions of price-fixing orders shall be presumed to be valid and placing the burden of proving any invalidity of any order or part thereof; stating the effect of partial invalidity of price-fixing orders; defining violations of orders of the commission fixing prices; making milk dealers or handlers responsible for acts of their directors, officers, agents or other persons acting for or on behalf of them; giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk; further regulating and imposing duties on milk dealers or handlers; prescribing procedure on appeal from orders of the commission; further defining and prescribing penalties, defenses, rights and remedies; and providing for the payment of funds in the hands of the commission owing producers or dealers or handlers to those entitled thereto.

RESOLUTION

RECALLING HOUSE BILL No. 869 FROM THE GOVERNOR

Messrs. McKINNEY and BROWN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), that House Bill No. 869, Printer's No. 293, entitled "An act to amend the act approved the fifteenth day of July one thousand nine hundred thirty-six (P. L. First Extraordinary Session 47), entitled 'An act to enable persons associations partnerships and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confessions of judgments regulating the assignment and release of such mortgages and designating the operation and effect of the lien of such mortgages' by extending enlarging and removing the limitations from the class of those who may become chattel mortgages by making further provision respecting fees of recorders of deeds in connection with chattel mortgages extension of the lien of said mortgages and defaults of said mortgages and by defining violations and prescribing penalties,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The membership is advised that it is anticipated that we will remain in session Thursday and Friday of this week. The Members are expected to be present, and to make arrangements accordingly. This is very important.

CONDOLENCE RESOLUTION

Mr. WOODSIDE. Mr. Speaker, I am sure it is with sadness that we learned of the untimely death of the Honorable John Joseph Shaw, our very able Secretary of Health. Therefore, on behalf of myself and on behalf of the gentleman from Monroe, Mr. Achterman I present the following resolution.

Messrs. WOODSIDE and ACHTERMAN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 24, 1941.

Whereas, Almighty God, in His Infinite Wisdom, has gathered unto Himself today, the Honorable John J. Shaw, Secretary of Health of the Commonwealth of Pennsylvania; and

Whereas, The sudden passing of one of the most eminent members of the Governor's Cabinet, has come with a sense of profound shock to the citizens of this Commonwealth; and

Whereas, The Honorable John J. Shaw during his lifetime exemplified and personified those great traits of character with which we associate the highest type of our fellow-citizens; and

Whereas, His entire lifetime was devoted to fostering the physical and spiritual well-being of the people of this Commonwealth; and

Whereas, Though his political affiliation was Republican, in his treatment of all the citizens of this Commonwealth, he arose above partisan politics, and treated all on the basis of humane consideration alone; and

Whereas, Since his appointment as Secretary of Health, he elevated Pennsylvania to the foremost of all the states of the Nation in its scientific and modern care of persons afflicted with tuberculosis; and

Whereas, Because of his activities as Secretary of Health, he was signally honored at the recent exercises held at the University of Pennsylvania, by having conferred upon him the degree of Doctor of Science; and

Whereas, That his activities throughout a lifetime devoted to the interests of the medical profession extend beyond the State, is evidenced by his active membership in the American Medical Association, as well as the Medical Society of the State of Pennsylvania, Philadelphia County Medical Society, the American Public Health Association, and the Pennsylvania Public Health Association; and

Whereas, During the short span of fifty-three years, he carried out to the letter the solemn duties imposed upon all who take it, embodied in the immortal words of the Hippocratic Oath; and

Whereas, Of him it can be truly said that above all things he loved his fellow-man; be it therefore

Resolved, That the House of Representatives notes with profound sorrow the passing of this great and distinguished citizen of our Commonwealth; and be it further

Resolved, That the Chief Clerk of the House forward a copy of this resolution to the family of the deceased, conveying thereby the profound sympathy of the House of Representatives to them in their great bereavement.

The SPEAKER. For the information of the Members the Chair has lost a life-long personal friend.

Mr. TURNER IN THE CHAIR.

COMMITTEE MEETING

State Government, Wednesday, June 25 at 11 a. m., E. S. T., in Room 325.

PUBLIC HEARING

There will be a Public Hearing before the Committee on Banking on House Bill No. 1622, Printer's No. 1032 on Wednesday, June 25, 1941 at 10 a. m., E. S. T., in the Old House Caucus Room, 3d floor.

ADJOURNMENT

Mr. EDWIN A. LEE. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 25, 1941, at 2 p. m. out of respect to the Honorable John J. Shaw, former Secretary of Health of the Commonwealth of Pennsylvania.

The motion was agreed to.

The SPEAKER pro tempore. Out of respect to Honorable John Joseph Shaw, in recognition of his distinguished public career this House now stands adjourned (at 5 p. m.) until Wednesday, June 25, 1941, at 2 p. m.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., WEDNESDAY, JUNE 25, 1941.

No. 77.

SENATE

WEDNESDAY, June 25, 1941

The Senate met at 1:30 o'clock, p. m. E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, prayer was offered by the gentleman from Berks, Dr. RUTH.

In the name of the Father and of the Son and of the Holy Spirit. Almighty God, our Heavenly Father, we thank Thee for the foundations that have been laid in our State by our forefathers, and we pray as we are approaching the Holy birthday of our nation that we may look back to those foundations and that we in turn may build upon them ever higher and better to Thy name's glory. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WALKER and Mr. EALY, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 25, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 25, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CRAWFORD COUNTY

James E. Jack, Titusville.

LANCASTER COUNTY

Miss E. Jean Baldwin, Lancaster.

McKEAN COUNTY

T. L. McDowell, Bradford.

PHILADELPHIA COUNTY

Miss Rose Lonker, Traylor Building, 2701 North Broad Street.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.

YEAS—38

Barr,	Ealy,	Letzler,	Snowden,
Bartlett,	Edmonds,	Mallery,	Stevenson,
Becker,	Farrell,	McCreesh,	Stiefel,
Carr,	Frey,	McQuiddy,	Taylor,
Cavalcante,	Geltz,	Miller,	Thomas,
Chapman,	Heyburn,	Reed,	Tyler,
Cox,	Homsher,	Ruth,	Walker,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Ziesenheim,
Deltrick,	Lanius,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 381, (HOUSE BILL No. 1537) AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 381, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes by counties of the second, third, fourth, fifth and sixth classes.

and has appointed Messrs. O'Neill, Schwab and Knoble, as a Committee on Conference to confer with a similar committee of the Senate (already appointed), to consider the differences existing between the two houses in relation to said bill.

The PRESIDENT. For the information of the Senators, a similar committee on the part of the Senate has previously been appointed by the President Pro Tempore.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 814, (Senate Bill No. 1285), entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments; establishing regular pay days; imposing certain duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil and criminal penalties for the violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1161, (Senate Bill No. 1286), entitled:

An Act requiring cities of the third class to allot the sum of sixty dollars to all uniformed officers and men employed in the police department, fire department and health department for the purchase of their prescribed uniforms.

Which was committed to the Committee on Municipal Government.

House Bill No. 1336, (Senate Bill No. 1287), entitled:

An Act authorizing and directing the Department of Property and Supplies to reprint the Report of the Commission to Locate the Sites of the Frontier Forts of Pennsylvania; and providing for the distribution thereof.

Which was committed to the Committee on State Government.

House Bill No. 1501, (Senate Bill No. 1288), entitled:

An Act authorizing the Secretary of the Department of Forests and Waters to lease a tract of land in Jackson Township, Dauphin County to the Susquehannock Indian Tribe.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1631, (Senate Bill No. 1289), entitled:

An Act authorizing and directing the Department of Highways to erect construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum Allegheny County and a point in Westmoreland County and to provide the necessary approaches and

connections with State highways providing for the acceptance of Federal aid empowering counties to pay certain damages and making an appropriation.

Which was committed to the Committee on Highways.

House Bill No. 1720, (Senate Bill No. 1290), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

Which was committed to the Committee on State Government.

House Bill No. 1765, (Senate Bill No. 1291), entitled:

An Act regulating and abandoning as a State highway, State highway Routes 03123 and 03133 in Armstrong County; and providing for the reversion thereof to the townships.

Which was committed to the Committee on Highways.

RESOLUTION RETURNING HOUSE BILL No. 949 TO THE GOVERNOR WITHOUT AMENDMENT

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 25, 1941.

Resolved (if the Senate concur), That House Bill No. 949, Printer's No. 717, entitled:

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "Orphans' Court Act of 1917," by imposing liability on executors, administrators or trustee for real estate brokers commissions in certain cases.

which was recalled from the Governor June 12th, be returned to the Governor without amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING HOUSE BILL No. 1470 FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 25, 1941.

Resolved (if the Senate concur), That House Bill No. 1470, Printer's No. 677, entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools, and classes through public school districts, and in cooperation with employment offices for the training, retraining, instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING HOUSE BILL No. 869 FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 25, 1941.

Resolved (if the Senate concur), That House Bill No. 869, Printer's No. 293, entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred thirty-six, (P. L. First Extraordinary Session, 47), entitled "An act to enable persons, associations, partnerships, and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description; providing for bonds with confessions of judgments; regulating the assignment and release of such mortgages; and designating the operation and effect of the lien of such mortgages" by extending, enlarging, and removing the limitations from the class of those who may become chattel mortgagees; by making further provision respecting fees of recorders of deeds in connection with chattel mortgages, extension of the lien of said mortgages and defaults of said mortgages; and by defining violations and prescribing penalties.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL RE-REFERRED

Mr. GELTZ, from the Committee on Appropriations, reported as committed, Senate Bill No. 1276, (House Bill No. 1365), entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "Vehicle Code" as variously amended; amplifying and changing provisions of said act relating to lighting and signaling devices; redefining the term dealer; further regulating dealers in junked vehicles, permits for over-size and overweight vehicles, use of school buses, registration plates and cards, maximum size of vehicles, and medical examinations by physicians; providing for payment of certain fees by counties; limiting and providing new exemptions from the various provisions of said act; giving additional authority to peace officers and department employees in the matter of investigations; further regulating prosecutions; giving certain powers to cities for the regulation of traffic and the establishment of traffic and the establishment of traffic courts; fixing additional fees, changing and imposing new penalties, and giving the secretary additional powers and duties.

With the request that it be re-referred to the Committee on Highways.

It was so ordered.

JOINT LEGISLATIVE COMMITTEE ON STATE GOVERNMENT TO FORMULATE METHODS OF ORGANIZATION AND PROCEDURE FOR LEGISLATURE

Mr. WOODWARD. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD offered the following resolution which was twice read, considered and agreed to:

In the Senate, June 25, 1941.

Whereas, The twenty-five (25) weeks of the 1941 legis-

lative session has demonstrated faults in the technic of operation of the General Assembly

Resolved, The House concurring, that the Joint Commission of State Government be and hereby is instructed and directed to formulate methods of organization and procedure to minimize delay and to hasten the efficient functioning of the legislative branch of the state government.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Fayette will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, last Monday the gentleman from Washington, Mr. Reed, called attention to the ugly suspicions and rumors that generally result from the activities of lobbyists in and about these Legislative Halls. Yesterday, I called the attention of my colleagues to some contemptuous reflections cast upon us by the Pennsylvania Motor Truck Association, Inc., I, also, called your attention to the fact that doctors, businessmen, farmers and others are stopping me on the streets of Harrisburg and other cities and towns of this Commonwealth and protesting to me against certain conditions here at Harrisburg. I tell you today, as I told you yesterday,

"The integrity of this body is my sole concern. To its preservation I shall marshal my mind, my tongue and my judgment."

I, also repeat, Mr. President, that it is not my purpose to cast reflections upon any of my colleagues. My voice is raised against non-members of the Assembly who by word or deed cause ugly rumors, suspicions and reflections to stultify the integrity of this Assembly and its members.

Today, Mr. President, I am compelled by my oath of office to place before my colleagues a communication which contains a very distasteful reflection upon our integrity. The communication, written by a respected and prominent citizen of this Commonwealth and who has no interest other than the public welfare, is as follows:

"Dear Senator:

"I have been trying to contact John Smarsh of Chambersburg on the telephone without success and on account of developments here I think it is important that I write you this letter.

"Dr. Harry Church who has been handling the Veterinary Practice Bill in both House and Senate informed me late yesterday afternoon that the bill passed the Senate on third reading by a vote of 39 to 3 and he suggested that some effort be made to get the bill through the House.

"In talking with Dr. Church on the telephone this morning I got an entirely new slant on the \$500.00 deal that they were trying to put over to get the original Veterinary bill out of the Committee. It had been my understanding that Benjamin L. Long, former Representative of District No. 12 of Philadelphia, was the direct contact man who did all the talking.

"This morning Dr. Church tells me that G. E. Kling, an optometrist, whose place of business is located at 122 Walnut Street, Harrisburg, allegedly was acting in some capacity as Secretary of the group interested in professional license legislation. Kling was really the man who did the talking but Benjamin L. Long, was always or usually present when matters and money were being discussed relative to getting House Bill No. 509 out of com-

mittee including final passage by the House upon the payment of \$500.00 and the whole job was to be completed within a week. After being held up for weeks as a result of the demand for money it was decided to have the bill introduced in the Senate.

"After the bill was well on it's way to be finally passed, Dr. Church tells me Representative Scanlon, Chairman of the Professional Licensure Committee, which Committee still has the Veterinary Bill in the Committee's pickling vat, met him in the lobby and raised the question as to what Dr. Church had in mind relative to getting the bill through the House if and after the Senate passed it. At this conference Scanlon suggested to Dr. Church that if the two of them could sit down together in conference with Benjamin L. Long he believed they could get all objectionable matters ironed out satisfactorily. Thus, Scanlon by the above statement to Dr. Church directly brought the said Mr. Long into the picture. The same Mr. Long who had accompanied G. E. Kling when Kling was demanding or at least repeatedly suggesting that the horse doctors, if they desired to get their bill out of committee, dig up \$500.00.

"I think the above facts with the information you already have will be sufficient. I might add that before the bill was introduced in the Senate, I personally contacted Harry Terrell and John Smith of Cumberland County, informing them in regard to the demand for money and suggested that they use their influence in getting the bill out of committee but they did not seem to be able to do anything about it, at least so they reported."

"With kindest personal regards, I am,
Yours respectfully,"

Members of this Senate, as you must readily see, this communication reflects the state of mind held by persons who are not members of this Assembly. If the contents of the communication are true, it is a serious matter to leave it unnoticed. If, on the other hand, its contents are false, I appeal to and implore my colleagues to invoke the constitutional powers in their hands to summon before the bar of this Senate the persons, organizations, or groups, who are responsible for the dissemination of such rumors, suspicions and reflections; and here require them to purge themselves of these contempts, under the penalties in our hands.

Mr. President, I conclude with the following:

"Humanity moves onward where today
the martyr stands
On the morrow crouches Judas with
the silver in his hands
But far in the front the truth
stands ready
And crackling faggots burn while
the hooting mob of
Yesterday in awe returns
To glean up the scattered
Ashes in history's golden urn."

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 589, (House Bill No. 1092), entitled:

An Act making an appropriation for the expenses of the committee of the House of Representatives created by House Resolution Serial Number forty-nine adopted the nineteenth day of February one thousand nine hundred forty-one.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 591, entitled:

An Act making an appropriation to the Lower Allen

Fire Company for the protection of State property at the Pennsylvania Industrial School at White Hill.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1135, (House Bill No. 223), entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township, Lancaster County; or so much thereof as may be necessary, as a memorial; providing for the control, management, supervision, improvement, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1239, (House Bill No. 1704), entitled:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation.

BILL RE-REFERRED

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1248, (House Bill No. 1826), entitled:

An Act to amend part of section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the eliminating of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," changing a certain route in the City of Johnstown.

with the request that it be re-referred to the Committee on Highways.

It was so ordered.

REPORTS FROM COMMITTEES

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 492, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission for the purchase of furniture and furnishings of the proper period to complete the "Pennsylvania Memorial," and to landscape the property connected therewith.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1282, entitled:

An Act making an appropriation to the California State Teachers College, for the purchase of lands needed for the better operation of such college.

Mr. EDMONDS, from the Committee on Finance, reported as amended, Senate Bill No. 1108, (House Bill No. 820), entitled:

An Act to amend section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended exempting from the mercantile license tax so much of the business of manufacturers and mechanics as comprises the vending of goods of their manufacture from their factories and workshops.

Mr. ZIESENHEIM, from the Committee on County Government, reported as committed, Senate Bill No. 1226, (House Bill No. 1101), entitled:

An Act to amend sections one thousand five hundred and one, and one thousand five hundred and eight of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," further regulating sewer connections and sewer district assessments in certain cases.

Mr. FARRELL, from the Committee on Elections, reported as amended, Senate Bill No. 1231, (House Bill No. 1466), entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the procedure for and regulating voting in elections by persons in actual military service conferring powers and imposing duties upon the Secretary of the Commonwealth courts county boards of elections and county commissioners providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

He also, from the Committee on Elections, reported as amended, Senate Bill No. 1232, (House Bill No. 1467), entitled:

An Act to amend the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commission county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers

county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 1265, (House Bill No. 1465), entitled:

An Act to amend the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

He also, from the Committee on Elections, reported as amended, Senate Bill No. 1266, (House Bill No. 1468), entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

He also, from the Committee on Elections, reported as amended, Senate Bill No. 1267, (House Bill No. 1469), entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions

commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Mr. MALLERY, from the Committee on Highways, reported as committed, Senate Bill No. 1283, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Warren.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 1156, (House Bill No. 1529), entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing additional routes to be used as a part of the national defense program in the County of Cambria.

Mr. TYLER, from the Committee on Highways, reported as committed, Senate Bill No. 1196, (House Bill No. 1177), entitled:

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety, regulating the use of highways and the operation of vehicles tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth, providing the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers, providing that records are admissible as evidence, imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing certain costs upon counties, providing for the disposition of fines forfeitures, fees and miscellaneous receipts, making an appropriation and providing for refunds," by allo-

cating fees for inspection certificates for promotion of highway safety.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 656, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the borough of Sellersville, Bucks county.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 526, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways; and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the borough of South Langhorne, Langhorne Manor and Langhorne, Bucks county.

Mr. HOMSHER, from the Committee on Highways, reported as committed, Senate Bill No. 1158, (House Bill No. 1542), entitled:

An Act to amend route 55121 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing a route in the County of Somerset

Mr. COLEMAN, from the Committee on Aeronautics, reported as committed, Senate Bill No. 913, entitled:

An Act authorizing and directing the Department of Revenue, to prepare airport approach plans for publicly owned airports; empowering and directing such department and also counties, municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations, limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of such airports; providing for the granting of zoning permits and variances and for appeals from zoning regulations; authorizing the acquisition by purchase, grant or condemnation of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 1061, (HOUSE BILL No. 811), CALLED UP

Mr. EALY. Mr. President, I now call up Report of Committee of Conference on Senate Bill No. 1061, (House Bill No. 811), on page 1 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 811

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference, on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 811, entitled, as amended:

"An act regulating under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act,"

Respectfully submit the following bill as our report:

LOUIS H. FARRELL
JOSEPH ZIESENHEIM
FRANK W. RUTH

(Committee on the Part of the Senate.)

JULIAN POLASKI
JOHN E. VAN ALLSBURG
JAMES E. LOVETT

(Committee on the Part of the House of Representatives.)

An Act to further amend section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as last amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1283) and section three of the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1811) is hereby further amended to read as follows

Section 3 It shall be unlawful for any person without a license from the Commonwealth obtained as hereinafter provided except as exempted by section five hereof to

manufacture produce distill develop or use in the process of manufacture denature redistill recover rectify blend reuse hold in bond hold in storage as bailee for hire or transport for hire within this Commonwealth any alcohol or alcoholic liquid except that a person may manufacture wine out of grapes grown in Pennsylvania by fermentation only and with no alcohol or alcoholic product added thereto by way of fortification and sell the same to a [permit-holding] licensed winery or to Pennsylvania State Stores or to distributors or importing distributors holding special licenses under the "Beverage License Law" and its amendments upon the filing by such manufacturer of a bond in the penal sum of five hundred dollars (\$500) and the securing of a [permit] license at a fee of twenty dollars (\$20) per annum The bond and [permit] license shall be under the same terms and provisions as other bonds and [permits] licenses provided for by this act [Any person may manufacture wine out of grapes grown by him without a permit or without filing a bond for the purpose of selling the same to a permit-holding winery or to Pennsylvania State Stores]

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the Senate accept the report?

Mr. ZIESENHEIM. Mr. President, before making a motion that this bill be dropped from the Calendar, I wish to state a word of explanation.

This bill was one of a series of three companion bills prepared by a legislative delegation from Erie County and introduced in the House by one of the Erie County members. In view of the fact that the other two bills of the series have been sunk without warning by a veto, there is now no point in continuing with consideration of this bill.

Mr. President, I wish at this time to thank every member of the Senate for the cooperation and full support that I received from every one of you while these bills were under consideration in this body. It is not your fault nor mine that today it is not possible to buy in Pennsylvania so much as one drop of wine made from Pennsylvania grapes; it is not your fault nor mine that the more than twenty thousand licensed retail establishments in this state sold last year and will sell again this year over two million dollars worth of wine for the grape growers of other states, particularly California and New York.

Pennsylvania stands fourth among the states of the union in the production of grapes, but we stand alone, entirely alone, in our policy toward our grape growers. There is no other state in the union that permits the sale of wine that has failed to provide some convenient and practical method for disposing of the wine produced by grapes grown within the state.

MOTION TO DROP BILL FROM CALENDAR

Mr. ZIESENHEIM. Mr. President, I move that Senate Bill No. 1061, (House Bill No. 811), be dropped from the Calendar.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Fayette will state his point of information.

Mr. CAVALCANTE. Mr. President, this is not a Senate bill, this is a House bill, and I doubt very seriously our authority to drop it from the Calendar. It must receive proper action and the House be so advised.

Mr. ZIESENHEIM. Mr. President, perhaps I neglected to state that my action is taken with the knowledge and approval of the sponsor of the bill.

The PRESIDENT. The Chair is of the opinion the point of order raised by the gentleman from Fayette is well taken.

Mr. EALY. Mr. President, in view of the fact that we are acting on a report of conference committee, I am not entirely clear what the proper motion should be, but probably it would be to postpone action indefinitely. However, if the Chair thinks some other action is proper, I am perfectly willing to abide by the judgment of the Chair.

The PRESIDENT. The Chair is of the opinion that would be a proper action.

Mr. CAVALCANTE. Mr. President, that is proper, and the other proper course would be to adopt a concurrent resolution, asking the House to send this bill to the conference committee and the conference committee report it out negatively, or else forget it.

The PRESIDENT. The result would be the same. If the gentleman from Erie withdraws his motion and then asks that it be postponed indefinitely, the Chair is of the opinion that would accomplish the purpose desired.

MOTION WITHDRAWN

Mr. ZIESENHEIM. Mr. President, I withdraw my motion that this bill be dropped from the Calendar.

Mr. MILLER. I withdraw my seconding of the motion that the bill be dropped from the Calendar.

BILL POSTPONED

Mr. ZIESENHEIM. Mr. President, I move that further consideration of Senate Bill No. 1061, (House Bill No. 811), be postponed for the present.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

SENATE BILL No. 901, (HOUSE BILL No. 1259), ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR, CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 901, (House Bill No. 1259), on concurrence in House amendments, recalled from the Governor, on page 2 of the Calendar.

Mr. JAMES. Mr. President, I second the motion. The motion was agreed to.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 901, (House Bill No. 1259), on concurrence in house amendments, recalled from the Governor, entitled:

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employees' retirement system in counties of the

fourth class; imposing certain charges on counties; fixing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL No. 624 ON CONCURRENCE IN HOUSE AMENDMENTS CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 624, on concurrence in house amendments, page 3 of the Calendar.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

BILL ON NON-CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 624, entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith" by increasing the minimum salaries of teachers in school districts of the fourth class and requiring the Commonwealth to make certain payments on account of such salaries

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

MOTION THAT SENATE NON-CONCUR IN HOUSE AMENDMENTS TO SENATE BILL No. 624

Mr. EALY. Mr. President, I move that the Senate non-concur in amendments placed by the House in Senate Bill No. 624.

Mr. MILLER. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. COLEMAN. Mr. President, I ask for a roll call, and I ask my colleagues to oppose the motion.

Mr. DENT. Mr. President, before I cast my vote I want to state I am in favor, of course, of the increase in salaries, but in voting "no" at this time I am protesting the action of the Senate in not agreeing with the House to include the increments. Therefore, Mr. President, I want my vote recorded as "no."

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	Miller,	Tyler,
Carr,	Heyburn,	Ruth,	Wade,
Chapman,	Homsher,	Scarlett,	Wilson, H. I.
Crider,	James,	Snowden,	Woodward,
Crowe,	Kephart,	Stevenson,	Ziesenheim,
Ealy,	Letzler,	Tallman,	

NAYS—15

Barr,	Dent,	Jaspan,	Mundy,
Cavalcante,	DiSilvestro,	Lanius,	Reed,
Coleman,	Frey,	McCreesh,	Stiefel,
Cox,	Haluska,	McQuiddy,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 1134, (HOUSE BILL No. 220), ON
FINAL PASSAGE CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 1134, (House Bill No. 220), on final passage, page 5 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1134, (House Bill No. 220), on final passage, entitled:

An Act to amend section four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" requiring the Department of Highways to take over structures bridges and viaducts on State highways in cities of the second class A and third class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, it is our purpose to take up all the remaining bills on the third reading Calendar if they are not controversial. I appreciate a number of the Senators are absent, but if there is no controversy on any of these bills, they may be taken up at this time. If there are any controversies on any of these bills, I will ask that they go over in order for the present.

The PRESIDENT. The Chair understands we will take the bills up in the order they appear on the Calendar, and if for any reason it is learned they are controversial, they will go over in order.

ADOPTION OF REPORT OF CONFERENCE COMMITTEE ON SENATE BILL No. 701, (HOUSE BILL No. 404)

Mr. EALY. Mr. President, in the absence of the gentle-

man from Allegheny, Mr. Walker, I move that the report of the Committee of Conference on Senate Bill No. 701, (House Bill No. 404), be adopted.

Mr. MILLER. Mr. President, I second the motion.

The report was as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON
HOUSE BILL No. 404

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 404, entitled:

"An Act relating to marriage, and amending, revising, consolidating and changing the law relating thereto,"

Respectfully submit the following bill as our report:

JOHN M. WALKER
MONTGOMERY F. CROWE
ISRAEL STIEFEL

(Committee on the Part of the Senate.)

ALBERT S. READINGER
JOSEPH J. MCINTOSH
J. PERRY ECKELS

(Committee on the Part of the House of Representatives.)

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 License Necessary to Marry No person shall be joined in marriage within this Commonwealth until a license shall have been first obtained for that purpose from the clerk of the orphans' court of the county where the marriage ceremony is to be performed or where either of the contracting parties resides A license so issued in the county wherein either of the contracting parties resides shall authorize the marriage ceremony to be performed in any county of this Commonwealth

Section 2 Application for License to Marry No license to marry shall be issued by any clerk of the orphans' court except upon written and verified application made by both of the parties intending to marry Such application shall contain a statement of (a) the full Christian name and surname of the applicants (b) the color age occupation birth place and residence of the applicants (c) the full Christian name and surname residence color occupation and birth place of their parents including the maiden name of the mothers (d) whether the marriage is the first second or other marriage (e) that neither of the applicants is afflicted with a transmissible disease (f) that each of the parties has submitted to an examination within thirty days of the application for the license as to the existence or nonexistence of syphilis and has presented a proper statement entitling him or her to a license to marry signed by a duly licensed physician and (g) such other facts as the Department of Health may deem necessary to determine whether any legal impediment to the proposed marriage exists

Section 3 Waiting Period After Application for License No license to marry shall be issued until after three days from the day of making application therefor except in cases of emergency or extraordinary circumstances when a judge of the orphans' court may authorize the license to be issued at any time before the expiration of said three days

Section 4 Restrictions on the Issue of Marriage License No license to marry shall be issued by any clerk of the orphans' court

(a) Until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty days of the application for the marriage license has submitted to

an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not in a stage of that disease which is likely to become communicable. The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test.

(b) Unless at least one of the applicants is identified to the satisfaction of the clerk of the orphans' court applied to for such license or unless at least one of the applications has attached thereto a certificate from the alderman magistrate or justice of the peace before whom it was taken stating that the applicant was identified to the satisfaction of such officer.

(c) If either of the applicants for a license is under the age of eighteen years except in special cases where a judge of the orphans' court shall have discretion to authorize a license to be issued by the clerk of the orphans' court where one or both applicants are under the age of eighteen years.

(d) If either of the applicants is under the age of twenty-one years unless the consent of a parent or guardian shall be personally given before the clerk or be certified under the hand of a parent or guardian attested by two adult witnesses and in the latter case the signature of the parent or guardian shall be acknowledged before an officer authorized by law to take acknowledgments. When such a minor has no guardian and the judge of the orphans' court is absent or not accessible for any reason the clerk of the orphan's court or a duly appointed assistant clerk of said county may appoint a guardian pro hoc vice for such minor.

(e) If either of the applicants for license is an imbecile epileptic of unsound mind or under guardianship as a person of unsound mind or as a feeble minded person.

(f) If either applicant is or has been within five years preceding the time of the application an inmate of any institution for the insane or home for indigent persons unless it satisfactorily appears that the cause for such condition has been removed and that the male applicant is able to support a family.

(g) If at the time of making application either of the applicants is under the influence of intoxicating liquor or narcotic drug.

(h) To a person (divorced by his or her former spouse on the grounds of adultery) for the marriage of such person to the person with whom the crime of adultery was committed during the lifetime of the former husband or wife.

(i) To applicants who are of kin of the degree of first cousins.

(j) To applicants within the prohibited degree of consanguinity and affinity which are as follows:

Degrees of Consanguinity

A man may not marry his mother

Do	do	father's sister
Do	do	mother's sister
Do	do	sister
Do	do	daughter
Do	do	the daughter of his son or daughter

A woman may not marry her father

Do	do	father's brother
Do	do	mother's brother
Do	do	brother
Do	do	son
Do	do	the son of her son or daughter

Degrees of Affinity

A man may not marry his father's wife

Do	do	son's wife
Do	do	wife's daughter
Do	do	the daughter of his wife's son or daughter

A woman may not marry her mother's husband

Do	do	daughter's husband
Do	do	husband's son
Do	do	the son of her husband's son or daughter

Section 5 Tests For Syphilis Physician's Statement Appeals Filing (a) For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a laboratory approved to make such tests by the State Department of Health. Such laboratory tests as are required to be made by this act shall on request of the physician submitting the sample and on his certificate that the applicant is unable to pay be made without charge by the State Department of Health.

(b) Any applicant for a marriage license having been denied a physician's statement as required by this act shall have the right of appeal to the Department of Health of the Commonwealth of Pennsylvania for a review of the case and the said department shall after appropriate investigation issue or refuse to issue a statement in lieu of the physician's statement required by section one of this act.

(c) The statements of the physician who examined the applicant and the laboratory which made the serological test shall be uniform throughout the state and shall be upon forms provided therefor by the State Department of Health. These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses and shall be regarded as absolutely confidential by any and every person whose duty it may be to obtain, make, transmit or receive such information or report.

Section 6 Examination of Applicants. Each of the applicants for a marriage license shall appear in person before the clerk of the orphans' court of the county in which the license is to be issued or before an alderman magistrate or justice of the peace of that county or of the county wherein the applicant resides.

At the time of such appearance the applicant or both of them if they appear together shall be examined under oath or affirmation as to

(a) The legality of the contemplated marriage.

(b) Any prior marriage or marriages and its or their dissolution.

(c) All the information required to be furnished on the application for license as prepared by the Department of Health and

(d) The restrictions set forth in section four of this act. The application or applications shall thereupon be completed in accordance with such examination and duly sworn or subscribed to by the applicant or applicants.

Upon the completion of any application or applications taken before an alderman magistrate or justice of the peace such application or applications shall be promptly transmitted to the clerk of the orphans' court of the county in which the license is to be issued. There shall be attached to each application so forwarded a certificate of the officer before whom it was taken stating whether or not the applicant was identified to the satisfaction of such officer.

The clerk of the orphans' court wherein the license is sought when properly completed applications on behalf of each of the parties to the proposed marriage have been taken before him or duly forwarded to him by an alderman magistrate or justice of the peace shall if there is no legal objection to the marriage grant a license. Such license shall not be granted until after three days from the date of the most recent of the two applications therefor.

The clerk of the orphans' court shall provide application

blanks upon request to aldermen magistrates and justices of the peace and also blanks for certifying the identification of applicants

Section 7 Orphans' Court to Pass Upon Refusal of Clerk to Issue License In those cases where the right to a license is not made to appear the clerk of the orphans' court shall refuse to issue the same At once upon such refusal he shall certify the proceedings to the orphans' court of the county without formality or expense to the applicants for license who shall be notified by the clerk of such action

Such application for a license to marry shall thereupon at the earliest possible time be heard by a judge of said court without a jury in court or in chambers during the term or in vacation as the case may be The finding of the court that a license ought to issue or ought not to issue shall be final and the clerk of the orphans' court shall act in accordance therewith

The true intent of this section is to secure for applicants a hearing before the orphans' court without affirmative action by said applicants and to give notice to them of such hearing its time and place without delay or expense

Section 8 Recording Application and Consent Certificate The applications for license and all consent certificates shall be immediately recorded by the clerk of the orphans' court in a book provided for that purpose at the cost of the county which shall be called the marriage license docket and which shall be a public record open to inspection or examination by the public at all times during business hours Any person may make a copy or abstract of the entries contained in the said marriage license docket for the purpose of publication in any regularly published daily or weekly newspaper and it shall be lawful to publish said copy or abstract in any regularly published daily or weekly newspaper printed within the Commonwealth

Section 9 Form of Marriage Licenses Marriage Certificates (a) The marriage license as issued by the clerk of the orphans' court shall not be valid for a longer period than sixty days from the date of issue and shall be in form substantially as follows to wit

Commonwealth of Pennsylvania } ss No
County of }

To any person authorized by law to solemnize marriage You are hereby authorized to join together in holy state of matrimony according to the laws of the Commonwealth of Pennsylvania A B of full age and never heretofore married and C D likewise of full age and never heretofore married

Given under my hand and seal of the orphans' court of said county of at this day of one thousand

If either of said parties is not of full age of twenty-one years then in lieu of the words "of full age" his or her age shall be stated and the fact of consent of parent or guardian shall likewise be stated and if either of said parties shall have been married previously to the issuing of such license then in lieu of the words "never previously married" the number of times he or she shall have been previously married and the mode by which said prior marriage or marriages was or were dissolved shall be stated and if by divorce the cause for which such divorce shall have been granted If either of said parties is under the age of eighteen years and a judge of the orphans' court shall have authorized the license to be issued then in lieu of the words "of full age" his or her age shall be stated and the fact that a judge authorized the license to issue shall likewise be stated in addition to the consent of a parent or guardian

(b) The license shall have appended to it two certificates numbered to correspond with said license (one marked original and one marked duplicate) which shall be in form substantially as follows

I hereby certify that on the day of one thousand at and were by me united in

marriage in accordance with license issued by clerk of the orphans' court of county Pennsylvania numbered

(Signed)
(Title of person solemnizing marriage)

Section 10 Forms Where Marriage Ceremony Performed by Parties to Marriage In all cases in which the parties intend solemnizing their marriage themselves no such marriage shall take place until the clerk of the orphans' court shall certify their right so to do in a declaration in substantially the following form

To A B and C
D No

Legal evidence having been furnished to me in accordance with law this certifies that I am satisfied that there is no legal impediment to you joining yourselves together in marriage

A B Clerk

In lieu of the certificate before set forth there shall be appended to such declaration two certificates numbered to correspond to the declaration of the clerk of the orphans' court in the following form

We hereby certify that on the day of one thousand nine hundred and we united ourselves in marriage at in the county of having first obtained from the clerk of the orphans' court of said county a declaration numbered that he was satisfied that there was no existing legal impediment to our so doing

A B
C D

We the undersigned were present at the solemnization of the marriage of A B and C D as set forth in the foregoing certificate

D E
E F

Section 11 Persons Qualified to Solemnize Marriages The chief justice and each justice of the Supreme Court the president judge and each judge of the Superior Court each judge of the court of common pleas judge of the orphans' court judge of a county court judge of a municipal court magistrate alderman justice of the peace mayor of any city and burgess of any borough of this Commonwealth and every minister priest or rabbi of any regularly established church or congregation is hereby authorized to solemnize marriages between such persons as produce a proper marriage license Every religious society religious institution or religious organization in this Commonwealth may join together in marriage such persons as are members of the said society institution or organization or when one of such persons is a member of such society institution or organization according to the rules and customs of the society institution or organization to which they or either of them belong

Section 12 Returns of Marriages The certificate marked "original" shall by the person solemnizing the marriage be duly signed and be given to the parties contracting the marriage and the certificate marked "duplicate" shall by the person or by a member of the religious society institution or organization solemnizing the marriage be duly signed and returned to the clerk of the orphans' court who issued the license within thirty days after the solemnizing of said marriage If the marriage was solemnized by the parties themselves the certificates marked "original" shall be signed by the parties to the marriage and be attested by two witnesses and be retained by the parties contracting the marriage and the certificate marked "duplicate" shall be signed by the parties to the marriage and be attested by the same two witnesses and be returned to the clerk of the orphans' court issuing the same within thirty days

The clerk of the orphans' court upon the reception of the "duplicate" certificate shall enter the same upon

the marriage license docket' with the marriage license application

Section 13 Common Law Marriages Abolished Marriages Without License Void No common law marriage may hereafter be legally entered into in this Commonwealth and all such marriages hereafter entered into shall be null and void

Section 14 Marriages Within Degrees of Consanguinity and Affinity All marriages within the prohibited degrees of consanguinity or affinity as set forth in this act are hereby declared voidable to all intents and purposes but when any of said marriages shall not have been dissolved during the life time of the parties the unlawfulness of the same shall not be inquired into after the death of either of the parties thereto

Section 15 Marriages During Existence of Former Marriage If a person during the life-time of a husband or wife with whom a marriage is in force enters into a subsequent marriage pursuant to the requirements of this act and the parties thereto live together thereafter as husband and wife and such subsequent marriage was entered into by one or both of the parties in good faith in the full belief that the former husband or wife was dead or that the former marriage had been annulled or terminated by a divorce or without knowledge of such former marriage they shall after the impediment of their marriage has been removed by death of the other party to the former marriage or by annulment or divorce if they continue to live together as husband and wife in good faith on the part of one of them be held to have been legally married from and after the removal of such impediment

Section 16 Marriage of Persons Less than Eighteen Void Unless by Special License A person less than eighteen years of age shall not have capacity to contract marriage except under authority of a license duly issued by a judge of the orphans' court pursuant to the provisions of section four clause (c) of this act Where either or both parties to a marriage are less than eighteen years of age and a license for such marriage was not secured under section four clause (c) of this act such marriage shall be null and void

Section 17 Preparation of Forms Applications for licenses to marry consent certificates statements of physicians and laboratories relative to examination for syphilis and marriage licenses shall be supplied to the clerk of the orphans' court by the county commissioners at the expense of the county and shall be uniform throughout the Commonwealth and forms thereof as prepared by the Department of Health shall from time to time be furnished to the several clerks of the orphans' courts of this Commonwealth

Section 18 Fees The fee to be charged by the clerk of the orphans' court in various counties for issuing a marriage license or declaration and for returns thereof to the Department of Health shall be two dollars and fifty cents two dollars of which shall be for the use of the clerk of the orphans' court of the county wherein such license is issued and fifty cents for the use of the Commonwealth Where either of the applicants for a license is under the age of twenty-one years and the consent of a parent or guardian is necessary as herein provided the clerk of the orphans' court shall receive for his own use an additional fee of fifty cents for recording the certificate of consent

All moneys collected by the said clerk for the use of the Commonwealth shall at the end of each month be transmitted to the State Treasurer to be placed in the general fund for the use of the Commonwealth

Section 19 Certified Copies of Records Evidence A certified copy of the record of a marriage license under the hand of the clerk of the orphans' court and the seal of said court or under the hand of the Secretary of Health and the seal of the Department of Health shall be received in all courts of this Commonwealth as prima facie evidence of said marriage between the parties therein named

Section 20 Penalties (a) Any clerk of the orphans' court who shall wilfully issue a marriage license in any

manner except as provided for in this act or who shall refuse or neglect to enter upon the marriage license docket any marriage license application or any marriage license issued from his office immediately after it is issued or to enter any consent certificate or authorization of a judge of the orphans' court or shall fail to keep the marriage license docket open for inspection or examination by the public or shall prohibit or prevent any person from making a copy or abstract of the entries in the marriage license docket for the purpose of publishing the same in any regularly published daily or weekly newspaper shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs for each offense

(b) Any applicant for a marriage license physician or representative of a laboratory who shall misrepresent any of the facts described by paragraph (a) of section four of this act or any licensing officer failing to receive the statements prescribed by said paragraph or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license or any person who shall disregard the confidential character of the information or reports required by said paragraph or any other person who shall otherwise fail to comply with the provisions of said paragraph shall upon conviction thereof in a summary proceeding in the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) nor more than thirty (30) days

(c) Any person solemnizing a marriage who shall neglect or refuse to return the "duplicate" certificate of marriage to the clerk of the orphans' court within thirty (30) days after the marriage was solemnized shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of fifty dollars (\$50.00) and costs

(d) If any person shall solemnize any marriage ceremony or shall be a party or an attesting witness to the same without the parties to the marriage having first obtained the proper license as provided for in this act he she or they so officiating contracting or attesting shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00)

(e) Any person who shall knowingly perform a marriage ceremony between parties when either of said parties is intoxicated shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of fifty dollars (\$50.00) or be imprisoned not exceeding sixty (60) days or both

(f) Any alderman magistrate or justice of the peace who shall knowingly insert or permit to be inserted any false statement in any application for marriage license or who shall make any false certification that the applicant named in such application was satisfactorily identified to him shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs

(g) All fines and penalties collected pursuant to this act shall be for the use of the county in which the marriage license was issued

Section 21 Statistics Each clerk of the orphans' court shall furnish the Department of Health not later than the tenth day of each month with a transcript or record of each marriage license issued and each return of the celebration of a marriage received or filed in his office during the preceding calendar month

The transcripts or records required to be furnished shall be made by the clerk of the orphans' court on forms prepared from time to time by the Department of Health and shall contain such information as the Department may require The forms so prepared shall be furnished to the clerk of the orphans' court by the county commissioners at the expense of the county

The records so furnished to the Department of Health shall be public records open to inspection during business hours The Department of Health shall from time to

time compile and publish statistics from such records for public information

Section 22 Short Title This act shall be known and may be cited as the "Marriage Law"

Section 23 The following acts and parts of acts are hereby repealed as specifically indicated

Sections five six and nine of the act approved the thirteenth day of March one thousand eight hundred and fifteen (P. L. 150) entitled "An act concerning divorces" so far as supplied by this act

Section two of the act approved the tenth day of April one thousand eight hundred and forty-nine (P. L. 549) entitled "An act to prevent the killing of deer at certain season in Union county and relative to marriage certificates" absolutely

Section four of the act approved the eighth day of May one thousand eight hundred and fifty-four (P. L. 663) entitled "An act to protect certain domestic and private rights and prevent abuses in the sale and use of intoxicating drinks" absolutely

The act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled "An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry" absolutely

The act approved the twenty-third day of May one thousand eight hundred and eighty-seven (P. L. 170) entitled "An act to amend section three of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the first day of May one thousand eight hundred and ninety-three (P. L. 27) entitled "An act to amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini one thousand eight hundred and eighty-five relating to the county wherein to secure the license" absolutely

The act approved the twenty-second day of May one thousand eight hundred and ninety-five (P. L. 99) entitled "An act requiring clerks of orphans' courts to keep marriage license dockets open for inspection by the public and allow copies or abstracts of the same to be made for publication and providing a penalty for non-compliance" absolutely

The act approved the eighteenth day of June one thousand eight hundred and ninety-five (P. L. 202) entitled "An act to amend the first section of an act entitled 'An act to amend an act entitled "An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry" approved the first day of May Anno Domini one thousand eight hundred and ninety-three relating to the county wherein to secure the license" absolutely

The act approved the twenty-fourth day of June one thousand nine hundred and one (P. L. 597) entitled "An act making it unlawful for first cousins to be joined in marriage and declaring all marriages contracted after the first day of January Anno Domini one thousand nine hundred and two in violation of this act void" absolutely

The act approved the twenty-seventh day of March one thousand nine hundred and three (P. L. 80) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and five (P. L. 58) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five empowering notaries public to inquire of parties intending to marry touching the legality of their contemplated marriage and administer oaths to them" absolutely

The act approved the sixth day of May one thousand nine hundred and nine (P. L. 446) entitled "An act to amend the first section of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini eighteen hundred and eighty-five by increasing license fees" absolutely

The act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" absolutely

The act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 636) entitled "An act to amend section three of an act approved the twenty-third day of June one thousand eight hundred eighty-five entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' as amended" absolutely

The act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 494) entitled "A supplement to the act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' imposing an additional license fee for the use of the Commonwealth" absolutely

The act approved the second day of May one thousand nine hundred and twenty-five (P. L. 494) entitled "An act fixing the fee to be charged for the issuing of marriage licenses" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and twenty-seven (P. L. 64) entitled "An act establishing the minimum marriageable age at sixteen years and providing for certain exceptions thereto" absolutely

The act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 152), entitled "An act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled 'An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court' by requiring three days to elapse between the application for and the issuance of the license" absolutely

The act approved the seventeenth day of May one thousand nine hundred and thirty-nine (P. L. 148) entitled "An act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties" absolutely

All acts and parts of acts inconsistent with this act are hereby repealed

Section 24 The provisions of this act shall become effective the first day of January one thousand nine hundred forty-two

On the question,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barr,	Ealy,	Miller,	Taylor,
Bartlett,	Edmonds,	Reed,	Tyler,
Becker,	Farrell,	Ruth,	Wade,

Carr,	Geltz,	Scarlett,	Walker,
Chapman,	Heyburn,	Snowden,	Watkins,
Coleman,	Homsher,	Stevenson,	Wilson, H. I.,
Cox,	Kephart,	Stiefel,	Woodward,
Crider,	Letzler,	Tallman,	Ziesenheim,
Crowe,	Mallery,		

NAYS—10

Cavalcante,	Frey,	Jaspan,	McCreesh,
Dent,	Haluska,	Lanius,	McQuiddy,
DiSilvestro,	James,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 650, (House Bill No. 1022), entitled:

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" permitting certain dogs to be brought into the Commonwealth under certain conditions for hunting purposes by holders of non-resident hunting licenses, without securing a Pennsylvania dog license.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Snowden,
Bartlett,	DiSilvestro,	Lanius,	Stevenson,
Becker,	Ealy,	Letzler,	Stiefel,
Carr,	Edmonds,	Mallery,	Tallman,
Cavalcante,	Farrell,	McCreesh,	Taylor,
Chapman,	Frey,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Mundy,	Walker,
Crider,	Homsher,	Reed,	Wilson, H. I.,
Crowe,	James,	Ruth,	Woodward,
Deitrick,	Jaspan,	Scarlett,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 185, entitled:

An Act to further amend the act approved the fourth day of April one thousand nine hundred twenty-five (P. L. 127) entitled "An act relating to adoption" further regulating adoption proceedings as to the consent of and notice to be given to parents of the person proposed to be adopted as to who can be adopting parents and procedure at the adoption hearings.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Snowden,
Bartlett,	DiSilvestro,	Lanius,	Stevenson,
Becker,	Ealy,	Letzler,	Stiefel,
Carr,	Edmonds,	Mallery,	Tallman,
Cavalcante,	Farrell,	McCreesh,	Taylor,
Chapman,	Frey,	McGinnis,	Thomas,
Coleman,	Haluska,	McQuiddy,	Tyler,
Cox,	Heyburn,	Miller,	Wade,
Crider,	Homsher,	Mundy,	Walker,
Crowe,	James,	Ruth,	Wilson, H. I.,
Deitrick,	Jaspan,	Scarlett,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 209, entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store possess or transport narcotics or drugs the possession or transportation of which is in violation of the law.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Stevenson,
Bartlett,	DiSilvestro,	Lanius,	Stiefel,
Becker,	Ealy,	Letzler,	Tallman,
Carr,	Edmonds,	Mallery,	Taylor,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Woodward,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 697, entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Gelta,	Miller,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Shapiro,	Wilson, H. I.,
Detrick,	James,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Zlesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 787, entitled:

An Act to further amend the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act

conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferred upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by exempting certain transportation from the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle" further regulating the right to render service as a contract carrier by motor vehicle prohibiting the imposition of costs upon the commission in certain appeals to the Superior Court subjecting persons and corporations to certain civil penalties for violating the act prohibiting motor carriers common carriers by airplane and any operator or employe of such carriers and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers and changing the penalty with respect thereto and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Lanlus,	Stiefel,
Bartlett,	DiSilvestro,	Letzler,	Tallman,
Becker,	Ealy,	Mallery,	Taylor,
Carr,	Edmonds,	McCreesh,	Thomas,
Cavalcante,	Farrell,	McQuiddy,	Tyler,
Chapman,	Frey,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Snowden,	Woodward,
Detrick,	Kephart,	Stevenson,	Zlesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1017, entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and

seventy-four (P L 186) entitled "An act declaring what offices are incompatible" by specifically exempting persons serving in the armed forces of the United States during any war or state of emergency.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Shapiro,	Wilson, H. I.,
Detrick,	James,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 210, (House Bill No. 152), as follows:

An Act to amend section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 984) entitled "An act relating to transactions between a person acting on his own behalf and the same person acting jointly with others and to make uniform the law relating thereto" by authorizing conveyances from either husband or wife to husband and wife as tenants by the entireties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 984) entitled "An act relating to transactions between a person acting on his own behalf and the same person acting jointly with others and to make uniform the law relating thereto" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a conveyance release or sale may be made to or by two or more persons acting jointly and one or more but less than all of these persons acting either by himself or themselves or with other persons and a contract may be made between such parties

This section shall be construed as authorizing a conveyance of an interest in real property by either husband or wife to husband and wife as tenants by the entireties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Stiefel,
Bartlett,	DiSilvestro,	Lanius,	Tallman,
Becker,	Ealy,	Letzler,	Taylor,
Carr,	Edmonds,	Mallery,	Thomas,
Cavalcante,	Farrell,	McCreesh,	Tyler,
Chapman,	Frey,	McQuiddy,	Wade,
Coleman,	Geltz,	Miller,	Walker,
Cox,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Scarlett,	Wilson, H. I.,
Crowe,	Homsher,	Snowden,	Woodward,
Detrick,	James,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 532, (House Bill No. 550), on third reading, entitled:

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 9) entitled "An act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 541, (House Bill No. 650), as follows:

An Act to amend section seven of the Act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the motor license fund for the purpose of this act" as last amended by providing for the changing of width lines location or grades of streets in cities of the second class second class A and third class by the Department of Highways without the consent of the city in which said street is located relieving the city from liability for damages in such cases and imposing liability for damages upon the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the Act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" as last amended is hereby further amended to read as follows

Section 7 The Department of Highways shall not change the width lines or grades of the streets taken over under the provisions of this act or any section thereof without the consent of the city evidenced by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment of any damages which may be occasioned thereby such damages to be ascertained and paid in accordance with the laws applicable thereto Provided however That whenever it shall appear to the Secretary of Highways that any part or portion of a State highway route in a city of the second class second class A or third class as now or hereafter defined or described in this act is dangerous or inconvenient to the traveling public in its present location either by reason of width grade length curves or other conditions or that the expense to the Commonwealth in the construction or maintenance thereof could be materially lessened by a change of location the Secretary of Highways may with the consent of the Governor and of the city expressed by ordinance or resolution change the location of such State highway route including the terminal points thereof to pass over existing streets or new streets laid out and opened by the city in such manner as in his discretion may seem best in order to correct such danger or inconvenience or lessen the cost to the Commonwealth A plan showing the new location approved by the Governor and the mayor of the city shall be recorded in the office of the recorder of deeds in the county in which such city shall be located In case the consent of the city is not obtained as herein provided the Department of Highways may proceed in the same manner as if the consent of the city had been given but the city shall not be responsible for the payment of any damages occasioned thereby such damages to be ascertained in accordance with the laws applicable thereto and paid by the Secretary of Highways out of the Motor License Fund

Section 2 All acts or parts of acts inconsistent with this act are hereby repealed.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Barr,	Dent,	Kephart,	Stiefel,
Bartlett,	DiSilvestro,	Lanius,	Tallman,

Becker,	Ealy,	Letzler,	Taylor,
Carr,	Edmonds,	Mallery,	Thomas,
Cavalcante,	Farrell,	McCreesh,	Tyler,
Chapman,	Frey,	McQuiddy,	Wade,
Coleman,	Geltz,	Reed,	Walker,
Cox,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Scarlett,	Wilson, H. I.,
Crowe,	Homsher,	Snowden,	Woodward,
Deltrick,	James,	Stevenson,	Ziesenheim,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 653, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions, adoptions of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service, defining certain crimes and misdemeanors imposing penalties and making an appropriation and repealing certain acts and parts thereof.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. TALLMAN. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Table of Contents, page 3, line 19, by striking out the following: "Section 508 Examinations for Labor Division"; amend Table of Contents, page 3, line 20, by striking out the numeral "509" and inserting in lieu thereof, "508"; amend Sec. 3, page 6, line 3, by striking out after the word "the" the part-word "De-"; amend Sec. 3, page 6, line 4, by striking out from the beginning of the line, the following: "partment of Health Department of Welfare"; amend Sec. 3, page 6, line 10, 11 and 12, both inclusive, by striking out after the word "Board" in line 10, the partword "Penn-", all of line 11 and the following in line 12: "of Fish Commissioners"; amend Sec. 3, page 6, line 23 by inserting after the word "authority" the following: "or each member thereof as the case may be"; amend Sec. 3, page 7, lines 7 to 10, both inclusive, by striking out all of said lines; amend Sec. 3, page 7, line 11, by striking out the letter "(g)" and inserting in lieu thereof "(f)"; amend Sec. 3, page 7, line 13, by striking out the letter "(h)" and inserting in lieu thereof "(g)"; amend Sec. 3, page 7, line 17, by striking out the letter "(i)" and inserting in lieu thereof "(h)"; amend Sec. 3, page 7, line 21, by striking out the letter "(j)" and inserting in lieu thereof "(i)"; amend Sec. 3, page 8, line 3, by striking out the letter "(k)" and inserting in lieu thereof "(j)"; amend Sec. 3, page 8, line 6, by striking out the letter "(l)" and inserting in lieu thereof "(k)"; amend Sec. 3, page 8, line 10, by striking out the letter "(m)" and inserting in lieu thereof "(l)"; amend Sec. 3, page 8, line 12, by striking out the letter "(n)" and inserting in lieu thereof "(m)"; amend Sec.

3, page 8, line 16, by striking out the letter "(o)" and inserting in lieu thereof "(n)"; amend Sec. 3, page 8, line 20, by striking out the letter "(p)" and inserting in lieu thereof "(o)"; amend Sec. 3, page 8, line 24, by striking out the letter "(q)" and inserting in lieu thereof "(p)"; amend Sec. 3, page 8, line 27, by striking out the letter "(r)" and inserting in lieu thereof "(q)"; amend Sec. 3, page 9, line 1, by striking out the letter "(s)" and inserting in lieu thereof "(r)"; amend Sec. 3, page 9, line 5, by striking out the letter "(t)" and inserting in lieu thereof "(s)"; amend Sec. 3, page 9, line 7, by striking out the letter "(u)"; and inserting in lieu thereof "(t)"; amend Sec. 3, page 9, line 9, by striking out the letter "(v)" and inserting in lieu thereof "(u)"; amend Sec. 3, page 9, line 11, by striking out the letter "(w)" and inserting in lieu thereof "(v)"; amend Sec. 3, page 9, line 13, by striking out the letter "(x)" and inserting in lieu thereof "(w)"; amend Sec. 3, page 9, line 17, by striking out the letter "(y)" and inserting in lieu thereof "(x)"; amend Sec. 3, page 9, line 19, by striking out the letter "(z)" and inserting in lieu thereof "(y)"; amend Sec. 205, page 12, line 7, by striking out before the word "dollars" the following: "nine thousand" and inserting in lieu thereof "seven thousand"; amend Sec. 205, page 13, line 6, by striking out after the word "investigation" the following: "and hold a public hearing"; amend Sec. 205, page 13, line 10, by striking out after the word "investigation" the following: "and hearing"; amend Sec. 403, page 22, line 29, by striking out the word "maxium" and inserting in lieu thereof "maximum"; amend Sec. 508, page 26, lines 16 to 23, both inclusive, by striking out all of said lines; amend Sec. 509, page 26, line 24, by striking out the numeral "509" and inserting in lieu thereof "508"; amend Sec. 601, page 28, line 25, by striking out the word "elegible" and inserting in lieu thereof "eligible"; amend Sec. 706, page 36, line 24, by striking out the word "Direcetor" and inserting in lieu thereof "Director"; amend Sec. 801, page 37, line 9, by striking out the word "amy" and inserting in lieu thereof "may"; amend Sec. 1003, page 49, line 6, by striking out after the word "of" the following: "four hun-"; amend Sec. 1003, page 49, line 7, by striking out the following: "dred fifty thousand dollars (\$450,000)" and inserting in lieu thereof "two hundred thousand dollars (\$200,000)"; amend Sec. 1005, page 50, line 7, by striking out the word "administerd" and inserting in lieu thereof "administered".

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendments?

Mr. COLEMAN. Mr. President, I desire to interrogate the sponsor of this bill.

The PRESIDENT. Will the gentleman from Lehigh, permit himself to be interrogated?

Mr. TALLMAN. I will, Mr. President.

Mr. COLEMAN. Mr. President, I think I followed the amendments very closely, but in order to remove any element of doubt, I would like to ask the sponsor of the bill if these amendments have the affect of deleting from the provisions of the bill the Department of Health, the Department of Welfare, the Pennsylvania Motor Police and the Pennsylvania Game and Fish Commission.

Mr. TALLMAN. Mr. President, that is correct.

Mr. COLEMAN. So that leaves now the Unemployment Compensation Board, the Department of Assistance and the Liquor Control Board.

Mr. TALLMAN. That is correct, Mr. President.

Mr. COLEMAN. And the other amendment, as I followed it, is a reduction in the compensation to be paid the director, from nine thousand dollars to seven thousand dollars.

Mr. TALLMAN. That is correct.

Mr. COLEMAN. And a reduction in the amount of money given to the civil service commission group by the bill from \$450,000 to \$250,000?

Mr. TALLMAN. That is correct, Mr. President.

Mr. COLEMAN. Mr. President, I ask that after the amendments are inserted in the bill that the bill go over in order so that it will appear on the Calendar tomorrow.

Mr. TALLMAN. Mr. President, I would like very much to accede to the request of the gentleman from Lackawanna, but after the amendments are inserted the bill is printed, as I understand it, and it would ordinarily be up for final action tomorrow, if it did not go over in order as requested.

Mr. COLEMAN. That is correct, Mr. President.

Mr. TALLMAN. If there is any feeling in the Senate that these bills should be passed at this session of the Legislature, then certainly the gentleman from Lackawanna should not make that request. I should like to state that the purpose and the reason for these amendments was in the hope that objections which had been voiced on the floor of the Senate might be removed, so that the precarious position with which the Commonwealth is faced at the moment might be remedied. The gentleman from Lackawanna is undoubtedly familiar with the fact that there has been from time to time a great dispute between the Social Security Board in Washington and the Department of Labor and Industry, with regard to the Unemployment Compensation Division. There has been so much difficulty that a very potent threat exists at the moment—withdrawal of federal funds from that division of the Department of Labor and Industry.

If, Mr. President, as has been indicated, there is some possibility that the Legislature might adjourn next week, then certainly this bill should be moved, both bills should be moved as rapidly as possible, in order that the House may have an opportunity to pass them. It is my understanding that some legislation of a corrective nature must be passed at this session of the Legislature in order to continue the assurance of federal funds for the Unemployment Compensation Division, and I would like, in the face of that situation, to request the gentleman from Lackawanna to withdraw his request to have the bill to go over in order.

Mr. COLEMAN. Mr. President, I desire to ask the gentleman from Lehigh one further question.

The PRESIDENT. Will the gentleman from Lehigh permit himself to be further interrogated?

Mr. TALLMAN. I will, Mr. President.

Mr. COLEMAN. I desire to ask the gentleman from Lehigh if he feels that the Governor will sign the bill as amended, excluding the various departments which have just been stricken out of the bill?

Mr. TALLMAN. Mr. President, I, of course, can not speak for the Governor, and I have not any information as to what the Governor will do with the bills. I do not think that the question is pertinent. The important thing, I think, is that this Legislature put itself on record as at least having done everything that it could do in order to clear up a bad situation.

Mr. COLEMAN. I merely want, Mr. President, to call

to the attention of the gentleman from Lehigh that the Governor vetoed a similar bill sponsored by the gentleman from Lehigh, in the 1939 session. However, I share his belief that taking from the bill the departments which he has stricken out from the bill, as amended, meets with the approval of the Democratic side of the House and I will withdraw my request to have the bill go over in order so that it will be in position to be voted on finally tomorrow.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to,

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 700, (House Bill No. 99), on third reading, entitled:

An Act to amend sections one and two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting certain clubs from such limitation and by providing that retail dispenser's licenses may be exchanged or surrendered for liquor licenses without violating the limits upon the number of licenses imposed by such act; and authorizing the Pennsylvania Liquor Control Board to effect such exchange or substitution upon compliance with certain conditions

go over in its order, as there are some amendments we desire to offer, which have not as yet been prepared.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, at the request of Senator Geltz, I ask unanimous consent that Senate Bill No. 726, on third reading, entitled:

An Act to provide for two additional law judges of the Court of Common Pleas of the Fifth Judicial District

go over in its order temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARR. Mr. President, I ask unanimous consent that Senate Bill No. 767, (House Bill No. 1095), on third reading, entitled:

An Act to further amend section six of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the county of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County

go over in its order temporarily until the Republican Floor Leader returns.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, at the request of the Chairman of the Appropriations Committee, I ask unanimous consent that Senate Bill No. 938, (House Bill No. 49), on third reading, entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

go over in its order until tomorrow.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 952, (House Bill No. 348), entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CHAPMAN. Mr. President, I ask unanimous consent to offer the following amendments: amend Section 1, page 2, line 4, by striking out after the word "of" the following: "three hundred fifty" and inserting in lieu thereof "four hundred ten"; amend Section 1, page 2, line 5, by striking out the figure "\$350,000" and inserting in lieu thereof "\$410,000".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 971, (House Bill No. 1083), as follows:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million two hundred fifty thousand dollars (\$1,250,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of Temple University at Philadelphia for the two fiscal years beginning June first one thousand nine hundred and forty-one for the general maintenance of the university and the purchase of such apparatus and equipment as the Trustees may deem necessary for the best interests of the university.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Chapman,	Frey,	McCreesh,	Thomas,
Coleman,	Geltz,	McQuiddy,	Tyler,
Cox,	Haluska,	Miller,	Wade,
Crider,	Heyburn,	Ruth,	Walker,
Crowe,	Homsher,	Scarlett,	Watkins,
Deitrick,	James,	Shapiro,	Wilson, H. I.,
Dent,	Jaspan,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1043, (House Bill No. 571), on third reading, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1066, (House Bill No. 1203), as follows:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred fifty thousand dollars (\$150,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Jefferson Medical College of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred forty-one for the support and promotion of medical education.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Ealy,	Lanius,	Stevenson,
Bartlett,	Edmonds,	Letzler,	Stiefel,
Becker,	Farrell,	Mallery,	Tallman,
Carr,	Frey,	McCreesh,	Taylor,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Mundy,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Woodward,
DiSilvestro,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SENATE BILL No. 1252, (HOUSE BILL No. 1837), ON THIRD READING CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 1252, (House Bill No. 1837), on third reading, page 13 of the Calendar.

Mr. WALKER. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1252, (House Bill No. 1837), entitled:

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility

business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interest and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to the act conferring upon the commission power [to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

And said bill having been read at length the third time,
On the question,
Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 1252

Mr. WALKER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1252, (House Bill No. 1837), passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. WALKER. Mr. President, I voted "aye."

Mr. EALY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. EALY. Mr. President, I voted "aye."

And the question recurring,

The motion was agreed to.

Will the Senate agree to the bill on second reading?

The first and second sections were severally reconsidered.

The first section was read and agreed to,

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 2, subsection (6), page 6, line 17, by inserting after the word "rubbish" the word "(excavated)" the word "dirt."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL No. 904, (HOUSE BILL No. 1543), ON THIRD READING POSTPONED, CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 904, (House Bill No. 1543), on third reading, postponed, on page 32 of the Calendar.

Mr. KEPHART. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 904, (House Bill No. 1543), entitled:

An Act providing a method for supplying perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect making such records competent legal evidence prescribing fees and imposing certain duties upon the orphans' court.

And said bill having been read at length the third time,
And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. KEPHART. Mr. President, on behalf of Senator Stiefel and myself I ask unanimous consent to offer the following amendments:

Amend section 2, page 4, by adding after line 25 the following paragraph:

The Orphans' Court is hereby authorized to appoint a standing Master or Masters to whom such petitions may be referred who shall upon such reference hold the hearing specified in this Section and make recommendations to the Orphans' Court for approval or disapproval of the petition with an appropriate form of decree. Such Master or Masters shall be paid by the county such compensation as the Orphans' Court shall fix.

On the question,

Will the Senate agree to the amendments?

Mr. CAVALCANTE. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Kephart.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. KEPHART. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, does that language make it mandatory on the part of the court to appoint a master?

Mr. KEPHART. No, it does not.

Mr. EDMONDS. Mr. President, I desire to interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. KEPHART. I will, Mr. President.

Mr. EDMONDS. Mr. President, is that limited to counties of the first class?

Mr. KEPHART. It is not limited to counties of the first class, Mr. President.

Mr. EDMONDS. Is it state-wide, Mr. President.

Mr. KEPHART. Yes, Mr. President.

Mr. COLEMAN. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Kephart.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. KEPHART. Yes, Mr. President.

Mr. COLEMAN. Mr. President, I am not a lawyer and I do not want to get into any highly legal technical questions, but I should like to ask the gentleman from Philadelphia to give me a legal definition of the word "authorize."

Mr. KEPHART. Mr. President, it gives the Orphans' Court authority and power to appoint a master if they think that is necessary. In other counties where they do not think it would be necessary, they would not appoint a master, but in Philadelphia County, where the court seems to think they need this power, they probably will appoint one if they have too many of these applications.

Mr. COLEMAN. Mr. President, I presume the answer of the gentleman from Philadelphia is that the word "authorize" does not convey with it a mandatory provision, it is not mandatory.

Mr. KEPHART. That is correct.

Mr. COLEMAN. To use the word "authorize" in connection with the bill?

Mr. KEPHART. No.

Mr. REED. I object, Mr. President. I believe, Mr. President and members of the Senate, that we do not need these amendments. The judges, if they care to act in these cases, can do so with the expenditure of very little time. This will add much cost to the procedure and it will make it far more inconvenient, and I believe that these amendments should not be adopted, first because it would be more inconvenient to those applying; secondly, it would be more expensive; and thirdly, it is absolutely unnecessary, and these amendments should be voted down for the reasons I have just stated.

Mr. STIEFEL. Mr. President, I offered a similar amendment a few weeks ago. At that time I pointed out that I always had a great respect for the opinions of the gentleman from Washington, but I also stressed the fact that in Philadelphia there would be an avalanche of applications, and that this bill without the amendment will open the flood-gates and the Orphans' Court in Philadelphia County might as well cease functioning, because it will be kept busy all the time listening to cases of this kind, and the only way out, if we want to pass some remedial legislation, is to have adopted this amendment that was offered by the gentleman from Philadelphia, Mr. Kephart, or, otherwise we will probably adjourn without taking care of this situation.

Mr. President, I appreciate that this may result in added costs, but on the other hand, if this amendment is not adopted, the bill will probably be doomed to perdition and this Legislature will adjourn without helping

those people who need birth certificates. On the other hand, Mr. President, if we do not take precautionary action and delve into each and every case, that will mean that many undesirable persons will discover a royal road to American citizenship, and for that reason we must be cautious in each and every case, and to be cautious we must have an exhaustive hearing, and only by having masters appointed can we obtain exhaustive hearings.

Mr. REED. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Stiefel.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. STIEFEL. I will, Mr. President.

Mr. REED. Mr. President, I would like to ask the gentleman from Philadelphia what is the minimum master's fee in Philadelphia.

Mr. STIEFEL. Well, Mr. President, I am afraid I have to present an interrogation in answer to the interrogator. Pertaining to which cases, Mr. President?

Mr. REED. Any case, Mr. President. In Washington County the minimum master's fee is thirty dollars, and I take it in Philadelphia it is more. Am I right or wrong as to Philadelphia?

Mr. STIEFEL. Mr. President, in Philadelphia we have master's hearings only in cases of divorce.

Mr. REED. Just stop there. How much are masters fees in divorce.

Mr. STIEFEL. One hundred dollars, Mr. President.

Mr. REED. Go ahead.

Mr. STIEFEL. Go ahead to what?

Mr. REED. As to other masters' fees.

Mr. STIEFEL. In what case, Mr. President?

Mr. REED. The gentleman from Philadelphia stated he would have to take them in order, and he started with divorce cases.

Mr. STIEFEL. Mr. President, the question was so general I asked the gentleman from Washington to be specific. The gentleman asked about divorce cases and I said a master's fee was one hundred dollars.

Mr. REED. All right. I desire to ask the gentleman from Philadelphia what other masters' work do they have in Philadelphia.

Mr. STIEFEL. None other, Mr. President.

Mr. REED. Then I shall take it, Mr. President, that the minimum fee in Philadelphia for a master's work of any kind would be one hundred dollars.

Mr. STIEFEL. Not necessarily, Mr. President, because it depends upon the amount of work.

Mr. REED. How would you base the amount of work in divorce cases? Is that by the day?

Mr. STIEFEL. No, Mr. President; it is by the hearing and by the amount of work which a master has to do in preparing his report.

Mr. REED. Mr. President, is there any case where a master works in Philadelphia where his fee would be less than one hundred dollars?

Mr. STIEFEL. I do not think so, Mr. President. In fairness to the gentleman from Washington, let me say there is another class of case that comes to my mind, and that is hearings on charters. When a corporation of the first class applies for a charter, a master is appointed to investigate as to whether or not that group is entitled to obtain a charter, and the fee is also one hundred dollars.

Mr. REED. I thank the gentleman from Philadelphia.

Is there anything further the gentleman wishes to say in connection with my interrogation?

Mr. STIEFEL. No, Mr. President.

Mr. REED. Mr. President, I would like to say a few words in connection with this bill before it is acted upon.

The PRESIDENT. The gentleman from Washington may proceed.

Mr. REED. Mr. President, it is very evident from this interrogation that birth certificates are rising rapidly in price. It would be far cheaper and far better for the public to leave the procedure the way it is, even though it is cumbersome and inconvenient, because a person, even in the most remote part of the state, could get a birth certificate cheaper and more conveniently by coming to Harrisburg and going over to the Bureau of Vital Statistics, than to follow the procedure which this amendment to the Petrosky bill would set up. Just think, Mr. President, of a master's hearing costing from thirty dollars to one hundred dollars, and I am speaking now as an attorney. It would be outrageous to charge some poor person in the state a fee like that to get a little birth certificate, which that person can get today for one dollar. I say it is outrageous, and if this bill is to carry that amendment, I say for the good of the cause we ought to defeat the whole bill, amendments and all, and let the procedure be as it is.

Mr. COX. Mr. President, I am heartily in sympathy with the attitude of the gentleman from Washington, of course, in his desire to cut down the expense for the obtaining of a birth certificate. Coming as I do from a county which has a great population, and having had the experience of almost requiring a full time assistant in order to take care of the needs of the people in my Senatorial District in attempting to get birth certificates, and having had the unfortunate situation, in some instances, of not being able, after six months, to get a birth certificate, I can truly appreciate the great burden that we would impose on the Orphans' Court of Allegheny County by the passage of this bill.

Mr. President, I am very much for the bill. I think it is a sensible, expedient way of handling the question of birth certificates. I do not think, however, that in every instance where a request is made for a birth certificate, it is going to be necessary to have a master appointed. I think the situation where a master would be appointed would only apply to an irregular situation.

As far as the cost of a master's hearing is concerned, I understand from the amendments that cost would be borne by the county. Thousands of people in Allegheny County will apply for master's certificates, and there certainly should be sufficient funds in the office of our Register of Wills to carry this burden of the cost.

MOTION TO ADOPT AMENDMENT

Mr. KEPHART. Mr. President, I move the adoption of the amendment submitted.

Mr. STIEFEL. I second the motion, Mr. President.

The PRESIDENT. For the information of the Senators, the Chair previously asked whether there was objection to the adoption of the amendment. There was objection. A motion is now made by the gentleman from Philadelphia, Mr. Kephart, seconded by the gentleman from Philadelphia, Mr. Stiefel, that the amendment be adopted.

The CHAIR recognizes the Senator from Philadelphia, Mr. Farrell.

Mr. FARRELL. Mr. President, I would like to read a letter from the President Judge of the Orphans' Court of Philadelphia County, Judge VanDusen, which says: "The judges of this court are very much concerned over the birth record bill, House Bill No. 1543, (Senate Bill No. 904), entitled an act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect, making such records competent legal evidence, prescribing fees and imposing certain duties upon the Orphans' Court.

"We understand that this bill is now on the postponed calendar of the Senate. So far as Philadelphia is concerned, the bill will impose a very great burden on this already overworked court. An inquiry at the Bureau of Vital Statistics of this state, where birth records before 1906 were filed, disclose the fact that they received applications at the rate of about a hundred a month in which they found no record. If those applicants were to avail themselves of the new act to have the birth judically determined, we would have about four hundred cases a month to hear and dispose of."

Then, Mr. President, Judge VanDusen suggests three forms of amendment. The amendment presented by the gentleman from Philadelphia, Mr. Kephart, was drafted by Mr. Fertig.

Mr. STIEFEL. Mr. President, when the gentleman from Washington questioned me, I presumed he referred to cases of this kind. The amendment offered by the gentleman from Philadelphia, Mr. Kephart, stipulates that a standing master shall be appointed, and naturally in the case of a standing master, where there will be some kind of a mass production, you can not expect too high a fee, and there is no doubt that the Orphans' Court Judges in Philadelphia will be attuned to the needs of the people who will apply for birth certificates, and they will spare no efforts to see that the fee should be commensurate with the ability to pay.

I also pointed out in my argument a few weeks ago that in Philadelphia the situation is quite different from that in the rural counties, because I am sure in the district of the gentleman from Washington Senator Reed knows each and every one of his constituents and knows his background, and so does the judge, and for that reason there can be no falsity, no forgeries, no impostors.

In Philadelphia, Mr. President, they expect close to ten thousand cases. How could you cope with a situation of that kind? I fully appreciate that Senator Reed is apprehensive lest there will be an added burden upon the poor and the needy, but in the light of this volume of applications, there is no other alternative than to expedite this procedure, and for that reason I believe this is the only way out of this situation. There may be another situation whereby we will have to invite again the gypsy judges, traveling judges, to come down to Philadelphia, which would result in added expense.

Mr. TALLMAN. Mr. President, I feel there has been a great deal of misconception about this bill, both on the part of many members of the Senate, probably, as well as on the part of the Orphans' Court of Philadelphia.

If I read the bill properly it does not require that the Orphans' Court have a hearing upon the application of a person for a certificate. As I understand it the sponsors of the bill had in mind that persons who make the applications should not be obliged to spend a great deal of

money, either in court costs or attorney's fees, in a matter of this kind, and therefore they established a very nominal fee for the application. The bill provides, I believe, that when an application is made and if the clerk finds it in proper order, it need only be handed to the Court by the Clerk of the Court and then the Court has the right to pass upon it, upon just the petition, without any hearing. The court does have the right, if it chooses and if it feels there is something out of order in the petition presented to it, to have a hearing, but it need not have a hearing in every instance, I would like to remind the gentlemen of the Senate that it seems to me to be very important that this legislation pass. I am not going to concern myself with this amendment. I think that passage of some legislation of this kind is so important that it of little or no use for us to stand here and spend hours quibbling about whether or not a Court may appoint a master, which is not going to cost the applicant for a birth certificate anything. It seems to me it would be entirely wrong, in the face of what we all know to be the existing fact, not to pass this legislation and let the courts work out their difficulties as they may, when they come to that. I am certain that a study of the bill, or an examination of it, will satisfy every one that no Orphans' Court in the Commonwealth is obliged to have a hearing in every instance.

Mr. CAVALCANTE. Mr. President, I see another most interesting phase of this situation, which is this: the bill applies only to births prior to June of 1906; it is concerning those births that this bill seeks to make provision. Births prior to 1906 are no different than births after 1906. If a person was born after 1906, and he is not registered, he goes to the Department of Health, the Bureau of Vital Statistics, and thereafter he produces certain affidavits and meets certain requirements, the birth is registered and recorded there.

Mr. President, the only thing that this bill does or would do is to create work for attorneys. I am an attorney and sometimes cases like these might bring good fees, but I am not interested in my own selfish interests; I am interested in the welfare of those who need to show that their births were registered.

Mr. President, in my county those who were born prior to 1906 and whose births are not registered, all they do is to go to the Register of Wills, the same as those who were born after 1906, go to the Secretary of Health in the Bureau of Vital Statistics. There in my county the Register of Wills has a form of the same kind as does the Bureau of Vital Statistics, and if the individual produces two citizens who will swear that they know the birth took place, or if the individual bring an entry in a Bible, or a baptismal certificate, or a school record, then the Register of Wills, the same as the head of the Bureau of Vital Statistics, registers the birth. That procedure has been going on in other counties; in Westmoreland County they appear before the Orphans' Court, and in Washington County.

Mr. President and members of the Senate, what is the necessity of passing a bill to do something that is already being done? That is absolutely unnecessary, and the only thing it really does is to create work for attorneys, and I am not in favor of that.

Mr. WADE. Mr. President, I disagree with the gentleman from Fayette, who has just spoken regarding this bill, in saying this bill is designed only to create employment or work for attorneys or judges. I also disagree with my colleague on the right, Mr. Farrel, in saying

that this bill will apply to so many people in the City of Philadelphia that it will be necessary for them to have a referee.

In the first place, as pointed out by the gentleman from Lehigh, Mr. Tallman, this affects no one except those who are over thirty-five years of age, who are born prior to 1906, and it also applies to those who wish to get some method or have some method to now establish their birth dates so that they may be employed in defense industries, or so that they may apply for a life insurance policy or an annuity, or for some other necessary reason they want to establish once and for all time their correct date of birth.

This bill enables a man whose birth date is questioned to go before a Court, and present possibly an old document, possibly a family Bible or some other such evidence, so that a Judge of the Orphans' Court can review the evidence presented and then render a decision and state by a certificate that he was born on a certain day and date. This bill is only enabling legislation to help out some few people—compared with the population of the State of Pennsylvania—who now are urgently in need of some method of establishing once and for all their date of birth.

Mr. CAVALCANTE. Mr. President, if a person born after 1906 is not registered here in the Bureau of Vital Statistics, he need not present any petition to any Orphans' Court of Dauphin County or any other county, but he follows certain rules laid down by the Department of Vital Statistics and he obtains his birth registration, because the courts have held that the Bureau of Vital Statistics is a ministerial department, its duties are purely ministerial.

Why place the registration of persons born before 1906 in the Orphans' Court? Why not permit them to appear before the Register of Wills, the same as we permit those born after 1906 to appear before the Bureau of Vital Statistics, and there, by the presentation of a proper affidavit and a proper document, tell the Register of Wills to permit him to register? Why force these individuals to go into the Orphans' Court where it is necessary to hire an attorney or engage an attorney to present their case? Why can not we permit them to do the same thing before the register of wills as we permit others to do before the Bureau of Vital Statistics?

Mr. DENT. Mr. President, I believe every Senator has had a great deal of experience in trying to get birth certificates during this session, and while I do not agree that the bill does everything I personally would want it to do, I do believe it goes a long way toward expediting the issuance of birth certificates to those who were born prior to 1906. It does not cost the individual any more than the \$2.50 specified in this bill to go before the Orphans' Court; it will not be necessary to have an attorney. That was an objection I made to the Chapman bill, because under the Chapman bill an applicant would have to have an attorney.

So far as masters are concerned, they will be required only in those counties where there will be many thousands of persons applying for birth certificates, where the Orphans' Court could not possibly issue the certificates without bogging down the regular work of the Orphans' Court. Let them have masters; they will be masters appointed and paid for by the county. After all the county government is set up to take care of the individual citizens who are a part of the county government. It is very important to persons seeking birth certificates, particularly today,

inasmuch as rules have been handed down that no person can get work in a defense industry unless he has a birth certificate, and it is very important that those persons get birth certificates as quickly as possible, and I believe this bill will expedite the issuance of birth certificates.

I have, I suppose, right now twenty-five applications over in the Bureau of Vital Statistics of persons who were born, not only after 1906 but after 1920, and I can not get certificates for them. That department is bogged down now with the number of applications coming in to it and, with the facilities and the records they have, they do not seem to be able to keep track of many that are sent in to them for birth certificates, and they will not issue them and the Lord knows what they will do if we start dumping into their laps applications of all persons born prior to 1906, of which there is no record. A great many of them do not know when they were born, they only know they were, and it is difficult, under the rules and regulations of the Bureau of Vital Statistics—which is located so far away from the home of the person seeking such birth certificate—to bring in witnesses and so on to prove where and perhaps when you were born. I think it is proper for that to be done at the local county government seat, so that an applicant might be able to take in there persons who knew of the birth, friends of the parents, for instance, at the time, or someone near the scene and so on, who might come in and testify to the fact that John Jones is John Jones and was born on a certain date.

Mr. President, I believe this bill should be passed. I do not think this General Assembly should quit this session without trying to do something, without trying to clarify the muddle in the issuance of birth certificates, and whether this bill is as good in its entirety as you think it ought to be is beside the point, it is the best we have before us at this time.

If we are going to quit next week—and I hear rumors we are—this is the only bill we can possibly act on, unless the Chapman bill is acted on, and I think the thing to do is to pass this bill now.

Mr. WOODWARD. Mr. President and members of the Senate, if this continues I shall ask the Chair to enforce the Senate rule against speaking twice on a subject, and if that does not prevail, I shall move the previous question.

Mr. KEPHART. Mr. President and members of the Senate, I would like to say a few words, to direct the attention of the Senate to the fact that we are voting on this amendment of mine and not on the bill itself, and much that has been said has been against the bill.

I wish to direct the attention of the Senate to the fact that the amendment provides for the appointment of a standing master; there will not be a master for each case. There will be standing masters who will hear several of these applications. It is optional with the Court to appoint these masters, and they are to be paid for by the county and not by the applicant. Somebody has to pay for this work, they will have to be paid. These standing masters will have to be appointed in some cases, because the Orphans' Court can not do this work themselves unless they have somebody to help them.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. REED, and were as follows, viz:

YEAS—34

Barr,	DiSilvestro,	Kephart,	Stiefel,
Becker,	Ealy,	Mallery,	Tallman,
Carr,	Edmonds,	McCreesh,	Taylor,
Chapman,	Farrell,	McQuiddy,	Thomas,
Coleman,	Frey,	Miller,	Tyler,
Cox,	Haluska,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Dent,	Jaspan,		

NAYS—8

Bartlett,	Heyburn,	Reed,	Wade,
Cavalcante,	Lanius,	Snowden,	Walker,

So the question was determined in the affirmative.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1071, (House Bill No. 1380), on third reading, entitled:

An Act to further amend the Act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL No. 1142, (HOUSE BILL No. 723), ON THIRD READING CALLED UP

Mr. MALLERY. Mr. President, I now call up Senate Bill No. 1142, (House Bill No. 723), on third reading, page 9 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1142, (House Bill No. 723), entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contribution by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. MALLERY. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Sec. 2, page 3, lines 11 and 12, by striking out after the word "effective" in line 11 the following: "on the first," all of line 12, and inserting in lieu thereof: "Immediately upon final enactment."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

SENATE BILL No. 1137, (HOUSE BILL No. 389), ON THIRD READING CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 1137, (House Bill No. 389), on third reading, page 9 of the Calendar.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1137, (House Bill No. 389), as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Farview State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Farview State Hospital is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania a certain tract or tracts of land now owned by Rice Coal Company and a certain tract or tracts of land now owned by Rice Coal and Jennie G Bassett and William H Bassett both or all tracts situated in Canaan Township Wayne County Pennsylvania and contiguous to the present property of said hospital so as to rectify the property lines thereof and make possible the use of said lands with the buildings thereon for the said hospital

Section 2 Said tract or tracts of land when purchased shall be added to the lands of the Farview State Hospital The deeds of conveyance shall be deposited with the Secretary of Internal Affairs

Section 3 The said lands shall not be acquired until the titles thereto have been approved by the Department of Justice

Section 4 The sum of fourteen thousand dollars (\$14,000) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of tracts of land and the expenses incidental thereto including title searches

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Shapiro,	Wilson, H. I.,
Deitrick,	James,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1162, (House Bill No. 1660), as follows:

An Act to amend section seven hundred and thirty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and Certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or

to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by authorizing the furnishing of certain confidential information to other states and the United States

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred and thirty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of money erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" which was added by the act approved the sixth day of June one thousand nine hundred and thirty-nine (P. L. 261) is hereby amended to read as follows

Section 17301 731 Confidential Information Any information gained by any administrative department board or commission as a result of any returns investigations hearings or verifications required or authorized under the statutes of the Commonwealth imposing taxes or bonus for State purposes or providing for the collection of the same shall be confidential except for official purposes and except that such information may be given to any other state or to the Government of the United States where such state or the United States by law authorizes the furnishing of similar information to the Commonwealth of Pennsylvania [and any] Any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars (\$500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the Court

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Shapiro,	Wilson, H. I.,
Deitrick,	James,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1169, entitled:

An Act to further amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of public assistance to unemployable persons; substituting the Department of Welfare for the Department of Public Assistance, abolishing the Department of Public Assistance and the State Board of Public Assistance and imposing certain duties in respect to employable persons on the Department of Labor and Industry.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I expect to move to drop this bill from the Calendar, I am very sorry to say. The reason it happens that way is that, owing to this change of temperature or atmosphere toward civil service, this bill of mine is no good, it is no good without a companion bill, because in this bill of mine I am transferring to the Department of Welfare the unemployables who are now on public assistance, and that brings in the question of civil service, as it requires a separate bill to provide for civil service for these employees of welfare who will transact the business and are not covered by civil service.

Now, Mr. President, there is no time for this companion bill to appear. We all know what happened to Senator Ziesenheim's bill, which went to the executive mansion without a companion, and I am not going to let mine go to the mansion without a companion. I cannot get it in in time, and therefore it is goodbye.

BILL DROPPED FROM CALENDAR

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 1169, on third reading be dropped from the Calendar.

Mr. COLEMAN. Mr. President, I second the motion. The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1197, (House Bill No. 1263), as follows:

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions Where appearing in this act the term "governor" includes any person performing the functions of governor by authority of the law of this State. The term "executive authority" includes the governor and any person performing the functions of governor in a state other than this State. The term "state" referring to a state other than this State includes any other State or territory organized or unorganized of the United States of America.

Section 2 Fugitives from Justice Duty of Governor Subject to the provisions of this act the provisions of the Constitution of the United States controlling and any and all acts of Congress enacted in pursuance thereof it is the duty of the governor of this State to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason felony or other crime who has fled from justice and is found in this State.

Section 3 Form of Demand No demand for the extradition of a person charged with crime in another state shall be recognized by the governor unless in writing alleging except in cases arising under section 6 that the accused was present in the demanding state at the time of the commission of the alleged crime and that thereafter he fled from the state and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime or by a copy of an affidavit made before a magistrate there together with a copy of any warrant which was issued thereupon or by a copy of a judgment of conviction or of a sentence imposed in execution thereof together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail probation or parole. The indictment information or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the laws of that state and the copy of indictment information affidavit judgment of conviction or sentence must be authenticated by the executive authority making the demand.

Section 4 Governor May Investigate Case When a demand shall be made upon the governor of this State by the executive authority of another state for the surrender of a person so charged with crime the governor may call upon the Attorney General or any prosecuting officer in this State to investigate or assist in investigating the demand and to report to him the situation and circumstances of the person so demanded and whether he ought to be surrendered.

Section 5 Extradition of Persons Imprisoned or Awaiting Trial in Another State or Who have Left the Demanding State Under Compulsion When it is desired to have returned to this State a person charged in this State with a crime and such person is imprisoned or is held under criminal proceedings then pending against him in another state the governor of this State may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state upon condition that such person be returned to such other state at the expense of this State as soon as the prosecution in this State is terminated.

The governor of this State may also surrender on demand of the executive authority of any other state any person in this State who is charged in the manner provided in section 23 of this act with having violated the laws of the state whose executive authority is making the demand even though such person left the demanding state involuntarily.

Section 6 Extradition of Persons not Present in Demanding State at Time of Commission of Crime The governor of this State may also surrender on demand of the executive authority of any other state any person in this State charged in such other state in the manner provided in section 3 with committing an act in this State or in a third state intentionally resulting in a crime in the state whose executive authority is making the demand and the provisions of this act not otherwise inconsistent shall apply to such cases even though the accused was not in that state at the time of the commission of the crime and has not fled therefrom.

Section 7 Issue of Governor's Warrant of Arrest its Recitals If the governor decides that the demand should be complied with he shall sign a warrant of arrest which shall be sealed with the State seal and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

Section 8 Manner and Place of Execution Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the State and to command the aid of all peace officers or other persons in the execution of the warrant and to deliver the accused subject to the provisions of this act to the duly authorized agent of the demanding state.

Section 9 Authority of Arresting Officer Every such peace officer or other person empowered to make the arrest shall have the same authority in arresting the accused to command assistance therein as peace officers have by law in execution of any criminal process directed to them with like penalties against those who refuse their assistance.

Section 10 Rights of Accused Persons Application for Writ of Habeas Corpus No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this State who shall inform him of the demand made for his surrender and of the crime with which he is charged and that he has the right to demand and procure legal counsel and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest and the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for notice thereof and of the time and place of hearing thereon shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody and to the said agent of the demanding state.

Section 11 Penalty for Noncompliance with Preceding Section Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant in willful disobedience to the last section shall be guilty of a misdemeanor and no conviction shall be fined not more than \$1,000.00 or be imprisoned not more than six months or both.

Section 12 Confinement in Jail When Necessary The officer or persons executing the governor's warrant of arrest or the agent of the demanding state to whom the prisoner may have been delivered may when necessary confine the prisoner in the jail of any county or city or borough through which he may pass and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route such officer or person being chargeable with the expense of keeping.

The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state or to whom a prisoner may have been delivered after waiving extradition in such other state and who is passing through this State with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may when necessary confine the prisoner in the jail of any county or city

or borough through which he may pass and the innkeeper until the officer or agent having charge of him is ready of such jail must receive and safely keep the prisoner until the officer or agent having charge of him ready to proceed on his route such officer or agent however being chargeable with the expense of keeping. Provided however That such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this State.

Section 13 Arrest Prior to Requisition Whenever any person within this State shall be charged on the oath of any credible person before any judge or magistrate of this State with the commission of any crime in any other state and except in cases arising under section 6 with having fled from justice or with having been convicted of a crime in that state and having escaped from confinement or having broken the terms of his bail probation or parole or whenever complaint shall have been made before any judge or magistrate in this State setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime and except in cases arising under section 6 has fled from justice or with having been convicted of a crime in that state and having escaped from confinement or having broken the terms of his bail probation or parole and is believed to be in this State the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein wherever he may be found in this State and to bring him before the same or any other judge magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made to answer the charge or complaint and affidavit and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Section 14 Arrest Without a Warrant The arrest of a person may be lawfully made also by any peace officer or a private person without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section and thereafter his answer shall be heard as if he had been arrested on a warrant.

Section 15 Commitment to Await Requisition Bail If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and except in cases arising under section 6 that he has fled from justice the judge or magistrate must by a warrant reciting the accusation commit him to the county jail for such a time not exceeding thirty days and specified in the warrant as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense unless the accused give bail as provided in the next section or until he shall be legally discharged.

Section 16 Bail in What Cases Conditions of Bond Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed a judge or magistrate in this State may admit the person arrested to bail by bond with sufficient sureties and in such sum as he deems proper conditioned for his appearance before him at a time specified in such bond and for his surrender to be arrested upon the warrant of the governor of this State.

Section 17 Extension of Time of Commitment Adjournment If the accused is not arrested under warrant of

the governor by the expiration of the time specified in the warrant or bond a judge or magistrate may discharge him or may recommit him for a further period not to exceed sixty days or a judge or magistrate may again take bail for his appearance and surrender as provided in section 16 but within a period not to exceed sixty days after the date of such new bond.

Section 18 Forfeiture of Bail If the prisoner is admitted to bail and fails to appear and surrender himself according to the conditions of his bond the judge or magistrate by proper order shall declare the bond forfeited and order his immediate arrest without warrant if he be within this State. Recovery may be had on such bond in the name of the State as in the case of other bonds given by the accused in criminal proceedings within this State.

Section 19 Persons under Criminal Prosecution in this State at Time of Requisition If a criminal prosecution has been instituted against such person under the laws of this State and is still pending the governor in his discretion either may surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this State.

Section 20 Guilt or Innocence of Accused When Inquired Into The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the governor except as it may be involved in identifying the person held as the person charged with the crime.

Section 21 Governor may Recall Warrant or Issue Alias The governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

Section 22 Fugitives from This State Duty of Governor Whenever the governor of this State shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail probation or parole in this State from the executive authority of any other state or from the chief justice or an associate justice of the supreme court of the District of Columbia authorized to receive such demand under the laws of the United States he shall issue a warrant under the seal of this State to some agent commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this State in which the offense was committed.

Section 23 Application for Issuance of Requisition by Whom Made Contents I When the return to this State of a person charged with crime in this State is required the prosecuting attorney shall present to the governor his written application for a requisition for the return of the person charged in which application shall be stated the name of the person so charged the crime charged against him the approximate time place and circumstances of its commission the state in which he is believed to be including the location of the accused therein at the time the application is made and certifying that in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this State for trial and that the proceeding is not instituted to enforce a private claim.

II When the return to this State is required of a person who has been convicted of a crime in this State and has escaped from confinement or broken the terms of his bail probation or parole the prosecuting attorney of the county in which the offense was committed the parole board or the warden of the institution or sheriff of the county from which escape was made shall present to the governor a written application for a requisition for the return of such person in which application shall be stated the name of the person the crime of which he was convicted the circumstances of his escape from confinement or of the breach of the terms of his bail probation or parole the state in which he is believed to be including the location of the person therein at the time application is made.

III The application shall be verified by affidavit shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned or information and affidavit filed or of the complaint made to the judge or magistrate stating the offense with which the accused is charged or of the judgment of conviction or of the sentence. The prosecuting officer parole board warden or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application with the action of the governor indicated by endorsement thereon and one of the certified copies of the indictment complaint information and affidavits or of the judgment of conviction or of the sentence shall be filed in the office of the Secretary of the Commonwealth to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

Section 24 Costs and Expenses All costs and expenses shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed.

Section 25 Immunity from Service of Process in Certain Civil Actions A person brought into this State by or after waiver of extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is being or has been returned until he has been convicted in the criminal proceedings or if acquitted until he has had reasonable opportunity to return to the state from which he was extradited.

Section 26 Written Waiver of Extradition Proceedings Any person arrested in this State charged with having committed any crime in another state or alleged to have escaped from confinement or broken the terms of his bail probation or parole may waive the issuance and service of the warrant provided for in section 7 and 8 and all other procedure incidental to extradition proceedings by executing or subscribing in the presence of a judge of any court of record within this State a writing which states that he consents to return to the demanding state. Provided however That before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided in section 10.

If and when such consent has been duly executed it shall forthwith be forwarded to the office of the governor of this State and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state and shall deliver or cause to be delivered to such agent or agents a copy of such consent. Provided however that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers rights or duties of the officers of the demanding state or of this State.

Section 27 Non-waiver by This State Nothing in this act contained shall be deemed to constitute a waiver by this State of its right power or privilege to try such demanded person for crime committed within this State or of its right power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial sentence or punishment for any crime committed within this State nor shall any proceedings had under this act which result in or fail to result in extradition be deemed a waiver by this State of any of its rights privileges or jurisdiction in any way whatsoever.

Section 28 No Right of Asylum No Immunity from Other Criminal Prosecutions While in this State After a person has been brought back to this State by or after waiver of extradition proceedings he may be tried in this State for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

Section 29 Interpretation The provisions of this act shall be so interpreted and construed as to effectuate its

general purposes to make uniform the law of those states which enact it.

Section 30 Constitutionality If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable.

Section 31 Repeal All Acts and parts of acts inconsistent with the provisions of this act are hereby repealed and the following acts are hereby expressly repealed.

The Act approved the twenty-first day of April one thousand nine hundred twenty-seven (Pamphlet Laws three hundred twenty-seven) entitled "An act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto".

The Act approved the third day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred forty-nine) entitled "An act to amend section two of an act approved the twenty-first day of April one thousand nine hundred twenty-seven (Pamphlet Laws three hundred twenty-seven) entitled 'An act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto' by giving the Governor of this State authority to deliver up certain imprisoned persons for the purpose of trial for murder in the demanding State under certain conditions".

Section 32 Short Title This Act may be cited as the Uniform Criminal Extradition Act.

Section 33 This act shall take effect immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Stiefel,
Bartlett,	DiSilvestro,	Lanlus,	Tallman,
Becker,	Ealy,	Letzler,	Taylor,
Carr,	Edmonds,	Mallery,	Thomas,
Cavalcante,	Farrell,	McCreesh,	Tyler,
Chapman,	Frey,	McQuiddy,	Wade,
Coleman,	Geltz,	Miller,	Walker,
Cox,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Scarlett,	Wilson, H. I.,
Crowe,	Homsher,	Snowden,	Woodward,
Deltrick,	James,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1210, (House Bill No. 1729), entitled:

An Act to further amend section seven of and to add section fourteen and one-tenth to the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works

and improvements carrying into effect of such plans as assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" prohibiting the construction maintenance or operations of facilities, works and improvements for the generation or development of power and authorizing the Secretary of Highways and the various political subdivisions with the approval of the Water and Power Resources Board to grant easements and flowage rights to the Federal Government over certain highways roads streets and bridges.

And said bill having been read at length the third time,
And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CROWE. Mr. President, I ask unanimous consent to offer the following amendments:

Amend title, page 2, line 10 of title, by striking out after the word "streets" the following: "and"; Amend title, page 2, line 10 of title, by inserting after the word "bridges" the following "and adjacent lands"; Amend Sec. 2, page 4, line 29, by striking out after the word "bridges" the following: "or"; Amend Sec. 2, page 5, line 1, by inserting after the word "lands" the following: "adjacent thereto."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL RECOMMITTED

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 1212, (House Bill No. 1760), on third reading, entitled:

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal directing such commission to make a report and recommendations to the Genreal Assembly conferring certain powers upon such commission including the power to issue subpoenas administer oaths and affirmations retain employes and expend funds and making an appropriation.

be recommitted to the Committee on Appropriations.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, in moving to recommit, Senate Bill No. 1212 to the Committee on Appropriations, I would like to call the attention of the Senate to the fact that this bill carries with it an appropriation of ten thousand dollars to do exactly what was done in 1937 at a cost of fifty thousand dollars, and I quote for the moment from the laws of Pennsylvania, Session of 1937:

"It shall be the duty of the Anthracite Coal Industry to make a careful and thorough study and investigation of the

economic and social conditions in the anthracite coal region of this Commonwealth, the causes underlying the present dislocation of the anthracite coal mining industry, the extent of illegal mining and the causes therefor, the methods and means by which the existing economic and social conditions in said district may be alleviated or remedied, and such other matters and affairs as may be deemed pertinent by the commission in order to carry into effect the intent of this act, to secure reliable and accurate facts concerning actual conditions with respect to the anthracite coal region and the coal mining industry therein," and then in section 5 it provides that the sum of fifty thousand dollars is hereby specifically provided for this purpose.

Now, Mr. President, this is a bill to do exactly the same thing at a cost of ten thousand dollars, which has already been done at a cost of fifty thousand dollars.

Mr. COLEMAN. Mr. President, it was my intention to ask the gentleman to hold his motion for a moment in order to permit me to amend the bill to give the commission created by the act a name. However, that can be done in committee, if we are able to disgorge it from committee.

The learned gentleman from Philadelphia is just a trifle in error in saying to the members of the Senate that the Legislature appropriated fifty thousand dollars for the purpose of creating an anthracite commission to study mine cave problems in the anthracite area. I hope the gentleman from Philadelphia will forgive me for making a personal reference, but when I was a member of the House there was a bill introduced for the purpose of setting up an anthracite commission for the purpose of studying all phases of this problem, particularly the bootlegging problem, and I succeeded in getting the then Governor, Governor Earle, to broaden the scope of the commission's authority to include investigation of mine caves, with the understanding, however, that the commission would not touch that problem until such time as they had concluded their study of the anthracite problem generally. The commission did exactly nothing about that, because after they had made their report the commission automatically disbanded and did nothing toward the mine cave problem.

Now, the gentleman from Philadelphia, Dr. Woodward, has moved to recommit this bill and I am frank to say, as one familiar with the anthracite region the gentleman is not in touch with the problem in the area I represent and the areas represented by the gentleman from Schuylkill, Senator Watkins, and the gentleman from Northumberland, Senator Deitrick.

While I realize perhaps I am a bit out of order, because since there is a motion to recommit this bill, I should not touch upon the subject matter of the bill, I would like to read for the information of the Senate some of the whereas clauses in the bill to impress upon the members of the Senate the absolute necessity for the passage of this bill. I have a right to believe, and any one else has a right to believe when a bill is recommitted at this stage of the game, he has a right to be justifiably suspicious that the bill will never again see the light of day. In view of that, Mr. President, I would like to have the Senate bear with me while I read just a few of the whereas clauses which should impress very forcibly upon the members of the Senate the absolute necessity for the passage of this bill. I do not think the members of this Senate

have had enough time, because of the demand made on their time and energy, to even read many of the bills we have before us for consideration. Therefore, Mr. President, if the Chair will bear with me, I now should like to read from the whereas clauses of the bill for the benefit of the gentleman from Philadelphia, Dr. Woodward, and the members of the Senate generally:

"Whereas, for a long period of years the mining of coal in the anthracite regions of the Commonwealth has been the cause of widespread surface subsidence in many localities; and

"Whereas, such surface subsidence has from time to time injured or damaged private dwellings, public buildings, highways, public utility facilities and otherwise endangering human life and prejudicially affected the general public health and welfare; and

"Whereas, the General Assembly has several times adopted legislation designed to alleviate or abolish such conditions only to have such legislation prove ineffective or to find it declared unconstitutional, and

"Whereas, the conditions resulting from such surface subsidence are so serious and of such general public concern as to demand effective and prompt relief; therefore

"The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:" and then follows the creation of the commission.

Mr. President, this is an important bill. Some people may question the effectiveness of this type of legislation; I have seen many commissions created by the General Assembly and given an appropriation, which did exactly nothing. However, if the General Assembly will recognize its responsibility to those of us representing the people in the mine cave area who have a vital and a serious interest in the passage of this bill, I am thoroughly convinced that a commission created by such an act will be able to come back to the 1943 session and present some sort of legislation that will stand up.

It might interest the gentlemen of the Senate to know that some years ago we had a mine cave bill called the Fowler Act, which was declared unconstitutional by the United States Supreme Court. It passed the State Supreme Court and was declared valid, but the coal companies appealed from that decision and went into the United States Supreme Court where a real liberal was on the bench at that time, Mr. Justice Brandeis, who gave a very illuminating dissenting opinion, and we have a right to feel that under the present liberal trend of the court that if it is possible to get this bill passed, it will be declared constitutional.

Mr. President, I want to rise in protest against the motion of the gentleman from Philadelphia who, I am definitely convinced, has not the vaguest idea of the necessity for this legislation in the particular area that I represent, and I ask the members of the Senate who are vitally interested in their responsibility to the people living in those effected areas to vote against this motion to recommit this bill because a motion to recommit it definitely has the effect of killing the bill.

Mr. WOODWARD. Mr. President, if I am allowed to speak twice on this same subject, I resent the imputation that I know nothing about the anthracite coal industry, because I was brought up in and around the anthracite coal mines and frequented them. In fact, I was so popular that the biggest breaker, the property of the Glen Alden Coal Company, is named for me, it is named the Wood-

ward Mine, and I doubt if Senator Coleman has any mine named for him whatever.

Now, Mr. President, as to the further remarks of the gentleman that the anthracite coal industry commission was no good, I believe that, because the chairman was a man named William J. Laux and we were always out of luck when he was at the head of anything.

I hold in my hand tangible evidence of the fifty thousand dollars appropriation, the report of the anthracite coal commission, and I still think the gentleman from Lackawanna, in view of that report, is making a mistake in asking us to spend ten thousand dollars more for a similar report.

And the motion recurring,

Will the Senate agree to the motion?

Mr. COLEMAN. Roll call, Mr. President.

(The following occurred during the calling of the roll.)

Mr. COLEMAN. I ask that the roll be verified, Mr. President.

The Clerk read the names of those voting in the affirmative, as follows:

Bartlett,	Farrell,	Letzler,	Thomas,
Becker,	Geltz,	Mallery,	Tyler,
Carr,	Heyburn,	Scarlett,	Wilson, H. I.,
Orider,	Homsher,	Snowden,	Woodward,
Ealy,	James,	Tallman,	Ziesenheim,
Edmonds,	Kephart,	Taylor,	

The PRESIDENT. Are there any corrections to the affirmative roll?

Mr. COLEMAN. Mr. President, I desire to inquire how the gentleman from Delaware voted.

Mr. HEYBURN. I voted "aye," Mr. President.

Mr. COLEMAN. I desire to ask if the gentleman from Delaware was in the Hall of the Senate at the time.

Mr. HEYBURN. Yes, Mr. President, I was.

Mr. COLEMAN. Mr. President, I desire to inquire how the gentleman from Chester, Mr. Scarlett, voted.

The PRESIDENT. The gentleman from Chester voted "aye"; the Chair heard him vote.

Mr. COLEMAN. Mr. President, I desire to interrogate the gentleman from Chester.

The PRESIDENT. Will the gentleman from Chester permit himself to be interrogated?

Mr. SCARLETT. I will, Mr. President.

Mr. COLEMAN. Mr. President, how did the gentleman from Chester vote?

Mr. SCARLETT. Mr. President, I voted "aye."

Mr. COLEMAN. Mr. President, I desire to ask how the gentleman from Schuylkill, Mr. Watkins, is recorded as voting.

The PRESIDENT. The Chair is informed the gentleman from Schuylkill did not vote and is not recorded as having voted.

Are there any corrections to the affirmative vote. The Chair hears none. The affirmative roll will stand as verified.

The Clerk read the names of those listed as voting in the negative, as follows:

Barr,	Crowe,	Lanlus,	Ruth,
Cavalcante,	Dent,	McQuiddy,	Stevenson,
Chapman,	DiSilvestro,	Miller,	Stiefel,
Coleman,	Frey,	Reed,	Walker,
Cox,	Haluska,		

The PRESIDENT. Are there any corrections to the negative roll?

Mr. JASPAN. I desire to be recorded as voting "no," Mr. President.

The PRESIDENT. The vote of the gentleman from Philadelphia will be so recorded.

The negative roll will stand as verified.

The yeas and nays were required by Mr. COLEMAN, and were as follows, viz:

YEAS—23

Bartlett,	Farrell,	Letzler,	Thomas,
Becker,	Geltz,	Mallery,	Tyler,
Carr,	Heyburn,	Scarlett,	Wilson, H. I.,
Crider,	Homsher,	Snowden,	Woodward,
Ealy,	James,	Tallman,	Ziesenheim,
Edmonds,	Kephart,	Taylor,	

NAYS—19

Barr,	Crowe,	Jaspan,	Ruth,
Chavalcante,	Dent,	Lanius,	Stevenson,
Chapman,	DiSilvestro,	McQuiddy,	Stiefel,
Coleman,	Frey,	Miller,	Walker,
Cox,	Haluska,	Reed,	

So the question was determined in the affirmative.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1215, entitled:

A Supplement to the act, approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act No. 12A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning une first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one."

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CHAPMAN. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Sec. 1, page 2, line 2, by striking out after the word "necessary" the word "is" and inserting in lieu thereof: "are"; Amend Sec. 1, page 2, line 2, by inserting after the word "hereby" the following: "specifically"; Amend Sec. 1, page 2, line 2, by inserting after the word "appropriated" the following "from the General Fund"; Amend Sec. 1, page 2, line 2, by inserting after the word "the" the following: "several hereinafter named agencies of the Executive, Legislative and Judicial Departments of the Commonwealth for the purposes hereafter set forth"; Amend Sec. 1, page 2, line 2, by striking out after the word "the" the part-word: "De-"; Amend Sec. 1, page 2, line 3, by striking out from the beginning of the line, the following: "partment of Public Instruction"; Amend Sec. 1, page 2, line 4, by striking out after the word "forty-one" the following: "as"; Amend Sec. 1, page 2, line 5, by striking out the word "follows" and inserting in lieu thereof "and for the payment of the bills incurred by said agencies remaining unpaid at the close of the fiscal year, ending May thirty-first, one thousand nine hundred and thirty-nine"; Amend Sec. 1, page 2, by inserting between lines 5 and 6 the following:

"To the Department of Property and Supplies"

For the repair under the supervision of the Department of Property and Supplies of buildings at the Pennsylvania Soldiers' and Sailors' Home at Erie, Pennsylvania, the sum of ten thousand dollars (\$10,000).

"To the Department of Public Instruction"

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1233, (House Bill No. 1483), as follows:

An Act to repeal the act approved the sixteenth day of January one thousand seven hundred and ninety-nine (3 Sm Laws page 338) entitled "An act to declare Frankford Creek a public highway"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the sixteenth day of January one thousand seven hundred and ninety-nine (3 Sm Laws page 338) entitled "An act to declare Frankford Creek a public highway" is hereby repealed.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Ealy,	Lanius,	Stiefel,
Bartlett,	Edmonds,	Letzler,	Tallman,
Becker,	Farrell,	Mallery,	Taylor,
Carr,	Frey,	McCreesh,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	Homsher,	Scarlett,	Watkins,
Deitrick,	James,	Shapiro,	Wilson, H. I.,
Dent,	Jaspan,	Snowden,	Woodward,
DiSilvestro,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1256, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain plots of land

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized and empowered to sell and convey for such price as may be agreed upon certain plots of land together with the improvements erected thereon situate in the several counties of the Commonwealth and more particularly described as follows

One In Mercer Mercer County One plot of land containing 1.323 acres located in Mercer Borough facing Beaver and Shenango Streets

Two In Warren Warren County Two adjoining plots of land Plot Number One containing .8299 acres located in Connewango Township and Warren Borough facing Pennsylvania Avenue west on Legislative Route 88 and Plot Number Two containing .1722 acres located in Warren Borough adjacent to Connewango Township and adjoining east side property line of Plot Number One facing Pennsylvania Avenue west on Legislative Route 88

Three In Bellefonte Centre County Two adjoining plots of land Plot Number One containing .5004 acres located in Bellefonte Borough facing Cherry Alley and Wilson and High Streets and Plot Number Two containing .2502 acres located in Bellefonte Borough and adjoining west side property line of Plot Number One facing Cherry Alley and High Street

Four In Mill Hall Clinton County One plot of land containing .3855 acres located in Mill Hall Borough facing Grove Agnew and Middle Streets

Five In Montrose Susquehanna County Two adjoining plots of land Plot Number One containing 1.26 acres located in Montrose Borough facing Grow Avenue Legislative Route 9 and Harrington Road and Plot Number Two containing .47 acres located in Montrose Borough and adjoining east side property line of Plot Number One facing Grow Avenue Legislative Route 9

Six In Allentown Lehigh County Two adjoining plots of land Plot Number One containing .2672 acres located in the City of Allentown facing Madison and Andrews Streets and Plot Number Two containing .1652 acres located in the City of Allentown and adjoining south side property line of Plot Number One facing Madison and Early Streets

Seven In Port Carbon Schuylkill County One plot of land containing 2.001 acres located in East Norwegian Township and Port Carbon Borough facing Legislative Route 162

Eight In Gettysburg Adams County One plot of land containing .881 acres located in Gettysburg Borough facing Stratton and Water Streets

Nine In Bedford Bedford County One plot of land containing .241 acres located in Bedford Borough facing East Pitt Street Legislative Route 39

Ten In Ebensburg Cambria County One plot of land containing 1.443 acres located in Ebensburg Borough facing East High Street Legislative Route 53

Eleven In Butler Butler County One plot of land containing 1.266 acres located in the City of Butler facing Pillow Street and Austin Avenue

Twelve In Morrisville adjacent to Waynesburg Greene County One plot of land containing .725 acres located in Morrisville Franklin Township facing Legislative Route 30104

Thirteen In Somerset Somerset County Three plots of land Plot Number One containing .4146 acres located in Somerset Borough facing Saylor Street and Plot Number Two adjoining Plot Number One containing .2204 acres located in Somerset Borough on the east side property line of Plot Number One facing Saylor Street and Plot Number Three adjacent to Plot Number Two and separated therefrom by a fourteen foot alley containing .2314 acres located in Somerset Borough on east side of said Plot Number Two facing Saylor Street

Fourteen In Washington Washington County One plot of land containing .551 acres located in the City of Washington facing Oakland and Ohio Avenues

Fifteen In Parsons Luzerne County One plot of land containing 1.96 acres located in Parsons Wilkes-Barre

Township facing Main and Factory Streets and Factory Alley

Sixteen In Buckingham Bucks County One plot of land containing .8827 acres located in Buckingham Buckingham Township facing Legislative Route 152

Seventeen In West Bridgewater Beaver County One plot of land containing 1.18 acres located in Bridgewater Borough facing Riverside Drive Legislative Route 204

Eighteen In Franklin Venango County Six adjoining plots of land located in the City of Franklin Plot Number One containing .284 acres facing Grant Street Plot Number Two containing .335 acres adjoining west side property line of Plot Number One facing Grandt Street Plot Number Three containing .207 acres adjoining west side property line of Plot Number Two facing Grand Street Plot Number Four containing .138 acres adjoining west side property line of Plot Number Three facing Grant Street Plot Number Five containing .172 acres adjoining west side property line of Plot Number Four facing Grant Street and Plot Number Six containing .605 acres adjoining rear of property line of Plots Three Four and Five facing Atlantic Avenue

Nineteen In Chinchilla Lackawanna County Two certain adjoining plots of land Plot Number One containing .3443 acres located in Chinchilla Abbington Township facing Providence and Abbington Turnpike and Plot Number Two containing .3443 acres located in Chinchilla Abbington Township adjoining north property line of Plot Number One facing Providence and Abbington Turnpike

The title to these plots of land is in the Commonwealth and the Department of Property and Supplies with the approval of the Governor is hereby authorized to make and execute deeds in the name of the Commonwealth to the purchasers thereof The moneys received as the purchase price of the said plots of land shall be paid into the Motor License Fund

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Orider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	James,	Snowden,	Woodward,
Deltrick,	Kephart,	Stevenson,	Ziesenheim,
Dent,			

NAYS—0 .

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SENATE BILL No. 726, ON THIRD READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 726, on third reading, page 7, of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 726, as follows:

An Act to provide for two additional law judges of the Court of Common Pleas of the Fifth Judicial District

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the judges provided for in the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 167) entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said districts" two additional law judges are hereby authorized and provided for the Court of Common Pleas of the Fifth Judicial District who shall possess the same qualifications which are required by the Constitution and laws for the President Judge of the Court of Common Pleas of said district and who shall hold their offices for a like term and by the same tenure and shall have the same power authority and jurisdiction and shall be subject to the same duties restrictions and penalties and shall receive the same compensation provided for by law for judges learned in the law as if the same offices had been established in the time of and subject to the provisions of section four of the act approved the sixteenth day of May one thousand nine hundred twenty-nine (P. L. 1780) entitled "An act to fix the salaries and compensation of the judges of the Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County" as amended by the act approved the first day of June one thousand nine hundred thirty-one (P. L. 317)

Section 2 At the next municipal election in November one thousand nine hundred forty-one the qualified electors of said Fifth Judicial District shall elect in the manner prescribed by laws for the election of the President Judge of the Court of Common Pleas of said district two competent persons learned in the law to serve as said additional law judges in said district from the first Monday in January anno domini one thousand nine hundred forty-two for a term of ten years Vacancies in the offices hereby created whether caused by death resignation expiration of term or otherwise after the first Monday of January anno domini one thousand nine hundred forty-two shall be filled in the same manner as is required by law in case of a similar vacancy in the office of President Judge of said court

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. COX. Mr. President, our democracy consists of the executive, the legislative and the judicial departments, each of which are of equal importance in our democratic form of government. We have a strange situation existing in Allegheny County, which perhaps exists in other counties, which we believe we can rectify by the passage of Senate Bill No. 767, House Bill No. 1095, appearing at the top of page 8 of today's Calendar.

As a lawyer, and I know that my colleagues from Allegheny County who are members of the legal profession agree with me, the process of justice in Allegheny County, particularly in relation to cases coming into our Common Pleas Court, is extremely slow. We have had the embarrassing situation of trying for some years to explain to our clients why anywhere from three to five years should elapse between the time a case is introduced in our Common Pleas Court and the time it would finally come to trial. We believe that the solution to this problem is relatively simple.

Senate Bill No. 726 would add to our Board of Judges two additional judges. I personally feel that is one part of the solution. I feel, however, that in addition to that we could go much further, because we have in Allegheny County an Allegheny County Court consisting of six judges who are paid an annual salary of ten thousand dollars. Since the inception of this court unfortunately the board has not taken advantage of the facilities which the court of Allegheny County affords. Its jurisdiction in civil matters extends to the sum of twenty-five hundred dollars.

Senate Bill No. 767, House Bill No. 1095, would have the effect of enabling judges of the Common Pleas Court to certify to our County Court cases within the jurisdiction of the County Court. Within the last several years in Allegheny County we have instituted a pre-trial system where the lawyers for the litigants and the judges discuss the case and in many cases, although the cases represent an enormous sum of money on the pleadings, in some cases settlements are reached between the lawyers and the court at much less than the amount stated in the pleadings, which, in many cases, would bring a particular case within the jurisdiction of the County Court, and if our Common Pleas Court had the authority and power to certify many of those cases to the County Court it would relieve the dockets and under that practice equity and justice in Allegheny County would proceed much more quickly, much more fairly and much more orderly.

Mr. President, as a member of the bar I am conversant with the oath of office that I took when I was admitted to practice before the bar and I appreciate the seriousness of delay in judicial procedure. For that reason I intend to vote for Senate Bill No. 726 and I intend to vote for House Bill No. 1095, Senate Bill No. 767, which I believe we could call a companion bill, and I sincerely urge that my colleagues vote for these two bills.

I might say, also, Mr. President, that the Bar Association of Allegheny County consisting, of course, of most of the lawyers practicing before the bar in Allegheny County, adopted a resolution Tuesday, March 7, 1941, which would have the effect of empowering the Court of Common Pleas of Allegheny County, by majority decision, to transfer civil cases to the County Court of Allegheny County which, by the pleadings, come within the jurisdiction of the latter.

This is a technical matter which I feel most of the lawyers are able to speak on more understandingly, perhaps, than the average layman. I have a high regard for our Bar Association and any suggestions they make I know from experience can only have been taken after true deliberation and without any political import.

Mr. WOODWARD. Mr. President, I appreciate a layman should not perhaps dare to rush in where angels fear to tread in the matter of these law courts, but the excuse for that is that no lawyer will ever take any initiative to diminish the number of law courts, the reason for which is obvious, that every lawyer wishes to be a judge.

Now, Mr. President, to begin with traveling judges I asked the prothonotary and he informed me, in the year 1940, there were 498 traveling judges. The state pays their traveling expenses and twenty dollars a day, and you may say that that is an argument for this bill, of course, but what is in the back of my mind is a constitutional amendment which I have offered here for ten years and I never got it beyond the doors of the committee rooms. That was not my personal amendment, it was

given to me by Judge Morris Sulzberger and the late Chief Justice Von Moschzisker and, as I have told you several times, it set up one Court of Common Pleas throughout the Commonwealth. We would then not have judges who are unoccupied in certain districts, with Philadelphia County, perhaps, and Allegheny County, very busy and have to use 498 traveling judges at an additional cost to the Commonwealth. As I understand it, we have sixty-seven counties and we have fifty-eight judicial districts and in a short time we will have more undoubtedly.

There is a decennial reapportionment of the judicial districts, and they never grow less—they always grow more. I was the hero or martyr, or both, in trying to abolish Court of Common Pleas No. 7 in Philadelphia, a monument to the diligence of the Senator from Philadelphia, Mr. Shapiro, but, of course, I did not succeed; all of which simply means that I shall vote "no" on this bill and be in my usual minority.

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Cox.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. COX. Mr. President, it will be a great pleasure.

Mr. HALUSKA. Mr. President, will the gentleman from Allegheny inform me as to the number of judges Allegheny County now has.

Mr. COX. Mr. President, we have fourteen Common Pleas judges, who are assigned to the Common Pleas Court, Court of Quarter Sessions, Court of Oyer and Terminer and General Jail Delivery; they also sit in equity proceedings and live very busy lives.

Mr. HALUSKA. Mr. President, does the gentleman from Allegheny have knowledge of the fact that so called gypsy judges are coming in there from all parts of the Commonwealth?

Mr. COX. Mr. President, that is quite a cute phrase; I had not heard it before. We do have judges coming in from other counties, however.

Mr. HALUSKA. Mr. President, will the passage of Senate Bill No. 726 eliminate the necessity of calling in gypsy judges?

Mr. COX. I would say, Mr. President, it will eliminate the necessity of calling them in, except in an emergency, but in defense of the system of having traveling judges come in, I would say in many cases it saves the county a great amount of money.

Mr. HALUSKA. Mr. President, they are paid, are they not?

Mr. COX. Mr. President, they are only paid for the time they are there. Of course, the gentleman realizes there are certain seasons when the court is not in session.

Mr. HALUSKA. But they are drawing salaries, are they not, Mr. President.

Mr. COX. They are as I understand it, paid a salary in their own local communities.

Mr. HALUSKA. And aside from that salary, Mr. President, they receive twenty dollars a day and all expenses.

Mr. COX. I could not say what remuneration or compensation they receive, Mr. President.

Mr. HALUSKA. As a matter of fact, every judge who goes out of his own jurisdiction receives twenty dollars a day and expenses despite the fact that he receives an annual salary of ten thousand dollars or more per year?

Mr. COX. Mr. President, if I am being interrogated I

would say if they receive only twenty dollars a day compensation that is entirely insufficient.

Mr. HALUSKA. Insufficient despite the fact they are paid a salary?

Mr. COX. I would say so.

Mr. HALUSKA. It is too bad for them.

Mr. REED. Mr. President, I am a lawyer and I think I have practiced actively in the courts for more than twenty-five years. I am against this bill because I think that the judges should rearrange their work.

I studied with much interest and much care the system the judges follow in the courts of London. The judges there do nothing but look after their judicial work. The trouble with many of the judges in Pennsylvania is they try to do too many things. The people elect a judge to do one thing only and that is to decide cases in a proper, fair and legal manner. When you elect judges, and this is true of many of our judges in the State of Pennsylvania, they go out on the stump during political campaigns, they engage themselves in other outside work and naturally there has to be a slowing down in the work of that particular court or else some other judge must come in.

Now, Mr. President, we in Pennsylvania should endeavor to change the system; we ought to have judges when they are elected who will pledge their services to the people as judges and judges only, and until that time has arrived, until I am thoroughly convinced that a judge is doing nothing except handling the work that the people elect him to do, I shall never on the floor of this Senate vote for the creation of another judicial office.

Mr. BARR. Mr. President, with forty-two per cent of the members of this body attorneys, I probably as a layman should not talk, but I think now and then a fellow practicing law by ear can speak a little more fully or plainly than attorneys, because they have been practicing in front of those judges, and are more or less afraid of offending them.

This bill to create two more judges I do not think will avail us anything in Allegheny County if we do not pass Senate Bill No. 767, which follows Senate Bill No. 726 on the Calendar. We will still have gypsy judges to hear all the political cases in Allegheny County.

Senate Bill No. 767, I understand, is to be recommitted. If the gentleman who sponsored Senate Bill No. 726 is sincere in trying to remedy the crowded conditions we have in our Common Pleas Court in Allegheny County, he will also vote for Senate Bill No. 767, or will introduce a bill to eliminate some of the County Court judges in our county who are not busy. The presiding judge of that Court tells us they should send the cases over to them, and there are plenty that the Common Pleas Court could send over to them, and there will be enough to keep them busy.

Mr. President, Senate Bill No. 767 does nothing further than to allow the Common Pleas Court of Allegheny County, where the sum demanded or the value of the property replevied does not exceed the sum of twenty-five hundred dollars, except in cases where the title to lands or tenements may come in question, to transfer such cases to the County Court.

At the present time, Mr. President, a great number of divorce cases are being sent to the County Court by the Common Pleas Court and some say that they do not want to take their cases to the County Court.

Now, Mr. President, if the people of Pittsburgh have

elected persons to that court who are not capable, let us do something about that. Let us be consistent. Yesterday we passed a bill—usually the Democrats are always accused of having overlapping functions—yesterday we passed a bill in the Senate creating another Bureau of Rehabilitation. Today, being inconsistent with that, we accepted amendments to the bill sponsored by the gentleman from Lehigh, Mr. Tallman, which will put three departments having three different civil service set-ups under one. Now you do not want to be consistent and you want to create two or more judges and still let six judges be not busy in Allegheny County.

Mr. President, I would like to interrogate the sponsor of Senate Bill No. 726, the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. BARR. Mr. President, does the gentleman from Allegheny feel if we pass Senate Bill No. 726 and not Senate Bill No. 767, which has been recommended by the Bar Association of Allegheny County, that we will eliminate the roving, gypsy judges, as they call them, from coming into our county week after week.

Mr. GELTZ. Mr. President, I do not regard visiting judges who come into Allegheny County as roving gypsy judges. I think they serve a very useful purpose and if it had not been for the visiting judges we have been able to secure in Allegheny County over the last eight or ten years, Allegheny County litigation would be in a very sorry mess right now.

I do feel, Mr. President, that the passage of Senate Bill No. 726, which was introduced by me and endorsed by the Allegheny County Bar Association, will alleviate to a great extent a situation which is most trying in Allegheny County at this time. We have, as has been said, fourteen Common Pleas judges. Because of the fact that a couple of our judges have been sick and a couple of them have been busy, possibly, in extended political activity, as was suggested by the gentleman from Washington, Mr. Reed, litigation in our Common Pleas Court has dropped behind and that with only three of the Common Pleas judges assigned to our criminal court.

In order to relieve the situation, we have been having for the last three or four years from seven to ten visiting judges each week in Allegheny County; five or six of those judges have been in our criminal courts, which meant when it came to decide matters of policy in connection with the criminal courts there were only three local judges in the consideration of policy, as compared with some five or six visiting judges.

Mr. President, the reason we would like to have two additional judges in our Common Pleas Court, as much as anything else, is so that one or two more local judges can be assigned to the criminal court and so that we will be on a par at least, if not in the majority, in deciding policy on matters concerning criminal court procedure and conduct.

Mr. BARR. Mr. President, I desire to further interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. BARR. Mr. President, is our colleague from Allegheny aware of the fact that the Bar Association of Alle-

gheny County has recommended passage of Senate Bill No. 767, House Bill No. 1095?

Mr. GELTZ. I am not aware of that, Mr. President.

Mr. BARR. If the gentleman will indulge me for just a moment I will read to him a resolution adopted—I think it was adopted March 7th, I now read from the Pittsburgh Legal Journal dated Tuesday, March 11, 1941, the text of the resolution adopted by the Bar Association of recommendations made at a meeting held March 7th.

“Resolution No. 1 (b). Empower the Court of Common Pleas of Allegheny County, by majority decision, to transfer civil cases to the County Court of Allegheny County, which by their pleadings, come within the jurisdiction of the latter.”

Mr. President, is our colleague from Allegheny a member of the Allegheny Bar Association?

Mr. GELTZ. I am, Mr. President.

Mr. BARR. Mr. President, did the gentleman attend this meeting?

Mr. GELTZ. I did not, Mr. President.

Mr. BARR. I desire further to interrogate the Senator from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. BARR. Mr. President, I asked my colleague from Allegheny a few minutes ago if he thought by adding two Common Pleas Court judges, but not passing Senate Bill No. 767, if we would still not have the extra expense of visiting roving judges.

Mr. GELTZ. Mr. President, I think we would have the expense of some visiting judges but not to the extent we have had over the last several years.

Mr. BARR. Now, Mr. President, would the gentleman mind telling me his opposition to Senate Bill No. 767, to turn these cases over to the County Court?

Mr. GELTZ. Mr. President, is that House Bill No. 1095?

Mr. BARR. That is correct, Mr. President.

Mr. GELTZ. Mr. President, that question is possibly just a little bit embarrassing, as a practicing lawyer in Allegheny County, but I will answer, Mr. President, my interrogator, by colleague from Allegheny County, Mr. Barr, by saying I think he knows as well as the rest of us that some of the judges in the County Court are not considered too learned in the law, and as not too good judges.

If this bill, House Bill No. 1095, is passed, it will mean that all of us will be compelled to take all litigation in which the amount concerned is twenty-five hundred dollars or under into the County Court, if not originally filed there, by order of the Common Pleas Court.

I want to say, Mr. President, that I do not want to have the interests of my prospective clients, as well as the few present clients I have, rest with that kind of procedure in Allegheny County.

If House Bill No. 1095 were amended so that those cases may be transferred by order of the Court of Common Pleas of Allegheny County upon consent of counsel, I would be perfectly satisfied to have this bill pass and will vote for the bill, but to be compelled to go into a court where we do not want to take our clients, is something I do not think should be put through.

Mr. BARR. Mr. President, I do not think all cases would be sent over there, but I do not think it would be constitutional for us to pass an act where the Court has

to get permission of counsel before they could send a case over to the County Court. I did not direct my last question to our colleague from Allegheny, Mr. Geltz, to embarrass him, because I am going to agree with him on the makeup of our county court. As a layman, I know we have judges getting ten thousand dollars a year in our County Court, a fully equipped court, and I do not think over thirty-three and one third per cent of them, if I were a practicing attorney, I would like to take my cases before them, but I think the way to rectify that condition—this county court, a statutory court created by the Legislature—there is one judgeship ends this year and I think we have time to get a bill, if we are going to create two more Common Pleas judges, to eliminate that judgeship, and also eliminate, maybe the next year, an extra one, if we are interested in doing this job thoroughly.

Now, Mr. President, as I say, I am not an attorney, but forty-two per cent of this group are attorneys and I think if they are going to pass this one bill, they ought to pass the second bill, and we should eliminate one county judgeship this year. I say that in all sincerity, with nothing political in mind, because there are six judges and if this first bill should pass there will be eight—and at the election we will go to the barrier—you can go with your ticket and we will go with ours, and may the best party win.

Mr. GELTZ. Mr. President, I would like to say if my colleague from Allegheny, Mr. Barr, wants to introduce such a bill I will be very glad to lend my efforts to the elimination of that one place on the County Court which expires this year and I will be very glad to vote for House Bill No. 1095 if the amendment which I suggest is put in.

Mr. BARR. Mr. President, we have the answer.

Mr. WALKER. Mr. President, there is an old biblical expression and when I give it I do not want to be misunderstood; this is for the benefit partially of my colleague from Allegheny, Senator Barr: "The Lord has delivered mine enemy into my hands."

Mr. President, just as soon as we finish the roll call on this bill, if we ever get to a roll call, I shall ask unanimous consent to introduce a bill proposing to reduce the number of judges in the Allegheny County Court.

Mr. COX. Mr. President, I regret very much we do not have our local boards of judges, both Common Pleas and the County Court, here, because it seems on one side we have angels and on the other side we have other who are not angels.

I do not share the fears of my colleague, Senator Geltz, when he seems to have great trepidation trusting in the hands of the County Court of Allegheny County the serious matters of his clients.

This thing to me is becoming increasingly ridiculous. Here we have a court fully equipped to work, with six judges being paid ten thousand dollars a year who do nothing for the most part but try pleas in motor vehicle cases. I am satisfied that those six judges are serious, are sincere and are very anxious to do the thing for which they were elected. It is not a constitutional court, it is a court created by this Legislature, and if we are going to make a real court of our Allegheny County Court we have got to do it, and I certainly believe by increasing their authority we are doing it.

If, as has been suggested, the ability of these men is not as it should have been—and I might say there are

several women—the solution to that, of course, is for the people of Allegheny County to elect members to the judiciary of our County Court who are competent.

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. HALUSKA. Mr. President, did I understand the gentleman from Allegheny, Mr. Geltz, to say that judges in Allegheny County take part in political campaigns?

Mr. GELTZ. Mr. President, I think I made some reference to the statement of Senator Reed in that respect.

Mr. HALUSKA. And, Mr. President, do they take leave of absence while taking part in that campaign, if the gentleman knows?

Mr. GELTZ. Mr. President, I never checked the payroll and therefore I cannot answer that question.

Mr. HALUSKA. Did the gentleman from Allegheny, Mr. Geltz, ever hear of any judge taking leave of absence during a political campaign?

Mr. GELTZ. No, Mr. President, I can not say I have.

Mr. HALUSKA. And while they are out campaigning they call in these gypsy judges and they are being paid twenty dollars per day, is that correct, to the best of the gentleman's knowledge?

Mr. GELTZ. Mr. President, the visiting judges in Allegheny County are there from the beginning of the Court term to the end, so it is not just during a campaign.

Mr. HALUSKA. I thank the gentleman from Allegheny.

Mr. President, I think yesterday afternoon the gentleman from Allegheny, Mr. Walker, introduced a resolution here sent to him by an institution from Wilkensburg, from the contents of which I believe they were asking for a higher rate of pay for those persons employed by the Commonwealth. We realize that we have many, many persons working for as low as seventy-five or eighty dollars a month in the Commonwealth. These judges being created by the Legislature are also employees of the Commonwealth, Mr. President, and they are receiving a minimum of ten thousand dollars per year. I see no good reason why, when one judge who might be living in the County of Cambria goes to Pittsburgh, we say because he lives in the County of Cambria he should be entitled to further compensation.

Mr. President, take any other state employe in any department on this bill, if he works in Harrisburg and is called to Pittsburgh he or she gets no further compensation—probably expenses—and I think it is about time we start cleaning house and enact some type of legislation to stop these peddling gypsy and roving judges, paying them ten thousand dollars a year and sending them across the line into another court and then paying them twenty dollars per day extra.

I, like my colleague from Washington, Senator Reed, can not see my way clear to vote for any additional judges, because while they are out campaigning they are replaced by other judges. If there ever was a racket in Pennsylvania racket exists in our judicial bodies and our Commonwealth of Pennsylvania stands by gracefully and pays the bill while, as to the man on relief, they will argue for week about how much milk he should receive, how much compensation or what not, but we do not blink an eye at paying judges ten thousand dollars per year and then additionally paying them extra for every day's work

while they are on the state payroll, and after they have concluded ten or twenty years in public office you put them on a pension high enough to keep ten families while we sit here idly by and have not said a word about paying pensions or any retirement to the ordinary man or woman who has helped to build this country.

Mr. BARR. Mr. President, I do not want to prolong this debate but I think the matter may be confusing to some of the gentlemen on the right and on the left about these judges and I just want to remark that five or six of those judges happen to be Republicans.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barr,	Ealy,	Letzler,	Tallman,
Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	Miller,	Thomas,
Carr,	Frey,	Ruth,	Tyler,
Chapman,	Geltz,	Scarlett,	Wade,
Cox,	Homshe,	Shapiro,	Walker,
Crider,	James,	Snowden,	Wilson, H. I.,
Crowe,	Jaspan,	Stevenson,	Ziesenheim,
DiSilvestro,	Kephart,	Stiefel,	

NAYS—8

Cavalcante,	Haluska,	Lanius,	Reed,
Coleman,	Heyburn,	McQuiddy,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HOUSE MESSAGE

RESOLUTION RECALLING HOUSE BILL No. 1676 FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives which was twice read, considered and agreed to:

In the House of Representatives, June 25, 1941.

Resolved (if the Senate concur), That House Bill No. 1676, Printer's No. 776, entitled:

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1518), entitled, as amended, "Elevator Regulation Law," by defining and making further provision relative to the installation and use of "man lift" elevators.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. WADE, read in his place and presented to the Chair Senate Bill No. 1292, entitled:

An Act making an appropriation to the Citizens Fire Company No. 1 of Lemoyne Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

Which was committed to the Committee on Appropriations.

He also, read in his place and presented to the Chair Senate Bill No. 1293, entitled:

An Act making an appropriation to the Camp Hill Fire Company No. 1 of Camp Hill Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

Which was committed to the Committee on Appropriations.

He also, read in his place and presented to the Chair Senate Bill No. 1294, entitled:

An Act making an appropriation to the Citizens Fire Company No. 1 of New Cumberland, Pennsylvania, for the protection of State property at the Pennsylvania Industrial School at White Hill.

Which was committed to the Committee on Appropriations.

He also, read in his place and presented to the Chair Senate Bill No. 1295, entitled:

An Act making an appropriation to the Elkwood Fire Company No. 2 of New Cumberland, Pennsylvania, for the protection of State property at the Pennsylvania Industrial School at White Hill.

Which was committed to the Committee on Appropriations.

SENATE BILL No. 767, (HOUSE BILL No. 1095), ON THIRD READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 767, (House Bill No. 1095), on third reading, which went over in its order, on page 8 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I request that Senate Bill No. 767, (House Bill No. 1095), on third reading, entitled:

An Act to further amend section six of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the county of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

be recommitted to the Committee on Judiciary General. There was some discussion concerning this bill in connection with Senate Bill No. 726, which was passed a little earlier today.

Mr. WADE. Mr. President, I second the motion.

The PRESIDENT. Is there objection to the request of the gentleman from Allegheny?

Mr. COX. Mr. President, I seriously object to recommitment of this bill. I voted in favor of the bill of my colleague from Allegheny, Senator Geltz, because I thought he was sincere in attempting to clear up the situation in our courts in Allegheny County, which for many years has been very bad, but it is self-evident to those who will interest themselves in the situation that it will take more

than the creation of two additional judgeships to do that job.

Senate Bill No. 767, House Bill No. 1095, should be passed, I am satisfied our peculiar situation will be corrected.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill 767, (House Bill No. 1095), be recommitted to the Committee on Judiciary General.

Mr. WADE. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. BARR. Roll call, Mr. President.

The yeas and nays were required by Mr. BARR and were as follows, viz:

YEAS—25

Bartlett,	Edmonds,	Kephart,	Taylor,
Becker,	Farrell,	Letzler,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Chapman,	Heyburn,	Snowden,	Wade,
Crider,	Homsher,	Stevenson,	Wilson, H. I.,
Crowe,	James,	Tallman,	Woodward,
Ealy,			

NAYS—13

Barr,	DiSilvestro,	Jaspan,	Reed,
Cavalcante,	Frey,	Lanius,	Stiefel,
Coleman,	Haluska,	McQuiddy,	Walker,
Cox,			

So the question was determined in the affirmative.

RESOLUTION RECALLING SENATE BILL NO. 566, FROM THE GOVERNOR

Mr. TALLMAN, offered the following resolution which was twice read, considered and agreed to:

In the Senate, June 25, 1941.

Resolved (if the House of Representatives concur), that Senate Bill No. 566, Printer's No. 288, entitled "An act to amend clause (b) of section twenty-seven of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled 'An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisalment of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audits and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and pro-

cedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents' by further regulating the discharge of charges on real estate,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

BILL INTRODUCED

Mr. WALKER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER. Mr. President, in rising in my place to present a bill at this time I desire to make a few remarks concerning this bill, which is a bill proposing to reduce the number of judges, by two, in the County Courts of Allegheny County and I want to explain, we just passed a bill increasing the number of Common Pleas judges by two. Our Common Pleas Court judges receive a salary of fourteen thousand dollars a year and the judges of the County Courts get ten thousand dollars a year, but as every attorney and most of the lay members of the Senate know, in addition to the judges there are always a number of other attaches of a court such as tip-staffs, janitors and so on, as well as the cost of equipping the court room and furnishing it for the judge and his staff, which runs the expenses to the county up considerably.

Now, Mr. President, the Board of County Commissioners of Allegheny County might be hard pressed for court rooms in which to place these two additional Common Pleas Judges, and inasmuch as we have just recommitted a bill which would permit County Judges to have some work to occupy their time and, if they are not going to give the judges of the county court any work to do, we might as well knock off two of them—we do not need six—and this will leave four to take care of the little bit of business they have.

I want to say, Mr. President, in presenting this bill there is absolutely nothing personal contained in it; I am not gunning for any member of the Allegheny County Court; I have no knowledge of which terms expire first and which position will be cut by this bill. I think this is sound legislation and would suggest that the bill be referred to the Committee on Judiciary General.

Mr. REED. Mr. President, I would like to interrogate the gentleman from Allegheny, Mr. Walker.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. I will, Mr. President.

Mr. REED. Mr. President, I would like to ask the gentleman from Allegheny whether under the statute you could raise the powers and duties of the county court Judges in Allegheny County so that they would have the same jurisdictional powers as the Judges of the Court of Common Pleas in Allegheny County.

Mr. WALKER. Mr. President, in answer to the interrogation of the gentleman from Washington, as I understand it, there was a bill passed, I think, by the 1937 Legislature, which made the jurisdiction of the Judges of the Allegheny County Court practically parallel with that of the judges of the Common Pleas Court, but that was declared unconstitutional.

BILL INTRODUCED

Mr. WALKER read in place and presented to the Chair Senate Bill No. 1296, entitled:

An Act to amend section one of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by reducing the number of judges of said court.

Which was committed to the Committee on Judiciary General.

REPORTS FROM COMMITTEES

Mr. FARRELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FARRELL, from the Committee on State Government, reported as committed, Senate Bill No. 933, entitled:

An Act to further amend clause (a) of section five hundred and three of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 932, entitled:

An Act to further amend section eight hundred and six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department,

board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay licenses fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by changing and restricting the right of the Commonwealth to impose interest on unpaid tax and bonus when such tax and bonus are not settled within a certain period of time.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 849, (House Bill No. 812), entitled:

An Act to amend clause (b) of section three hundred and two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the display of the flag of the United States at polling places and imposing such duty on county boards of elections

REPORT OF COMMITTEE ON CONFERENCE ON
SENATE BILL NO. 381

Mr. LETZLER. Mr. President, I am directed by the Committee on Conference to make a report of Senate Bill No. 381, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes by counties of the second, third, fourth, fifth and sixth classes.

The PRESIDENT. The Report will be noted on tomorrow's Calendar.

REPORTS FROM COMMITTEE

Mr. LETZLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LETZLER, from the Committee on Highways reported as committed, Senate Bill No. 1079, (House Bill No. 1597), entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lebanon.

He also, from the Committee on Highways, reported as

committed, Senate Bill No. 1248, (House Bill No. 1826), entitled:

An Act to amend part of section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" changing a certain route in the City of Johnstown.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 1280, (House Bill No. 1825), entitled:

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth.

Mr. THOMAS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS, from the Committee on County Government, reported as committed, Senate Bill No. 540, (House Bill No. 648), entitled:

An Act to amend section 873 of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing roads to be county roads as soon as so determined, and further providing for the repair, construction and maintenance of such roads within the limits of boroughs and cities.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 288, (House Bill No. 183), entitled:

An Act to amend section seven hundred two and to further amend section nine hundred five of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the establishment and maintenance of fire hydrants and fire hydrant water service and the levy of a special tax therefor with the assent of electors.

He also, from the Committee on County Government, re-reported as committed, Senate Bill No. 749, (House Bill No. 319), entitled:

An Act to further amend section one of the act approved the eleventh day of May one thousand nine hundred eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing

ing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" allowing inspectors their expenses in attending State conventions of sealers of weights and measures

He also, from the Committee on County Government, reported as amended, Senate Bill No. 850, (House Bill No. 1185), entitled:

An Act to further amend section five hundred and two and section five hundred and four of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" requiring submission of all plans for public improvements to the county planning commission for approval and prohibiting the recording of plans and sales of lots before their approval under penalties

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 652, (HOUSE BILL No. 1098)

Mr. CARR. Mr. President, I am directed by the Committee of Conference to make a report on Senate Bill No. 652, (House Bill No. 1098), entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three (P. L. 1449), entitled "Allegheny County Juvenile Court Law," to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court.

The PRESIDENT. The report will be noted on tomorrow's Calendar.

REPORTS FROM COMMITTEE

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations, reported as committed, Senate Bill No. 1294, entitled:

An Act making an appropriation to the Citizens Fire Company No. 1 of New Cumberland, Pennsylvania, for the protection of State property at the Pennsylvania Industrial School at White Hill.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1295, entitled:

An Act making an appropriation to the Elkwood Fire Company No. 2 of New Cumberland Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1292, entitled:

An Act making an appropriation to the Citizens Fire Company No. 1 of Lemoyne Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1293, entitled:

An Act making an appropriation to the Camp Hill Fire Company No. 1 of Camp Hill Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. JAMES, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

MEMBERS OF THE PENNSYLVANIA GAME COMMISSION

George Irwin Phillips, Alexandria, from December 6, 1940, until the third Tuesday of January, 1947, and until his successor shall have been appointed and qualified.

O. Ben Gipple, Harrisburg, from December 6, 1940, until the third Tuesday of January, 1949, and until his successor shall have been appointed and qualified.

John H. Price, Scranton, from December 6, 1940, until the third Tuesday of January, 1947, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

MEMBERS OF THE BOARD OF TRUSTEES OF EASTERN STATE PENITENTIARY

Herbert M. Goddard, Philadelphia, from May 17, 1940, for the term of four years, and until his successor is qualified.

Louis N. Robinson, Swarthmore, from May 17, 1940, for the term of four years, and until his successor is qualified.

Matthew A. Roth, Philadelphia, from May 17, 1940, for the term of four years, and until his successor is qualified.

David E. Watson, Philadelphia, from May 17, 1940, for the term of four years, and until his successor is qualified.

W. Atlee Burpee, Jr., Philadelphia, from May 17, 1940, for the term of four years, and until his successor is qualified.

Vincent deP. Henderson, Philadelphia, from August 8, 1940, for the term of four years, and until his successor is qualified.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF THE PEACE IN MONTGOMERY COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Horatio Batezell, 101 Lismore Avenue, Glenside, Montgomery County, for appointment as Justice of the Peace in and for the Township of Cheltenham, Montgomery County, until the first Monday in January, 1942, vice Richard J. Refsnnyder, resigned.

ARTHUR H. JAMES

APPOINTMENT AS MEMBERS OF REGISTRATION COMMISSION IN CITY OF PITTSBURGH

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Registration Commission in and for the City of Pitts-

burgh, until January 6, 1945, or until their successors shall be duly qualified:

Robert J. Gumbert (Republican) 1954 Beechwood Blvd., Pittsburgh, Allegheny County, vice W. Noble Matthews, whose term expired.

Edward M. Kenna (Republican), 5743 Fifth Avenue, Pittsburgh, Allegheny County. (Reappointment)

W. Holmes Isler (Democrat), 305 Belonda Street, Pittsburgh, Allegheny County, vice Lawrence O. Clarke, whose term expired.

ARTHUR H. JAMES.

MEMBERS OF THE BOARDS OF TRUSTEES OF SLIPPERY ROCK STATE TEACHERS COLLEGE

W. Lee Gilmore, Pittsburgh, from June 3, 1940, for the term of four years, and until his successor is qualified.

Clyde C. Green, New Castle, from June 3, 1940, for the term of four years, and until his successor is qualified.

John L. Wise, Butler, from June 3, 1940, for the term of four years, and until his successor is qualified.

Jack M. McDonald, Slippery Rock, from June 3, 1940, for the term of four years, and until his successor is qualified.

Byron H. Canon, Pittsburgh, from June 3, 1940, for the term of four years, and until his successor is qualified.

Stacy T. Dean, Greenville, from June 3, 1940, for the term of four years, and until his successor is qualified.

(Mrs.) Marion Foster Smith, Butler, from June 3, 1940, for the term of four years, and until her successor is qualified.

(Mrs.) E. Grace McCauley, Beaver, from June 3, 1940, for the term of four years, and until her successor is qualified.

ARTHUR H. JAMES

Mr. COLEMAN. Mr. President, I suggest that the Reading Clerk suspend the reading of the nominations and that we vote individually on the nominations.

The PRESIDENT. That will be done, when the Senate resolves itself into Executive Session to consider the nominations. The Reading Clerk now is merely reading the report of the Committee on Executive Nominations.

RULE 38 SUSPENDED

By unanimous consent,

A motion was made by Mr. JAMES and Mr. MILLER, That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. MILLER, That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. President, I rise on a parliamentary inquiry.

The PRESIDENT. The gentleman from Lackawanna will proceed.

Mr. COLEMAN. Mr. President, I suggest that we vote on the various nominations to boards and commissions individually. In other words, I suggest that now we con-

sider the nominations to the Game Commission and that a vote "aye" will be a vote for the confirmation of the Game Commission only.

Mr. JAMES. That is entirely satisfactory to me, Mr. President.

The PRESIDENT. The question is shall the Senate advise and consent to the nominations to the Pennsylvania Game Commission.

Mr. JAMES. Mr. President, would the Chair indulge us for a moment?

The PRESIDENT. The Senate will be at ease.

NOMINATIONS LAID ON THE TABLE

Mr. JAMES. Mr. President, there seems to be some misunderstanding regarding the action of the caucus of the Senators on the other side concerning the nominations just submitted.

Therefore, Mr. President, I move that the nominations just reported from the Committee on Executive Nominations be laid upon the table.

The PRESIDENT. The Chair is of the opinion the proper procedure would be for the Senate just to rise from Executive Session. The procedure suggested by the gentleman from Bucks is irregular.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

NOMINATIONS REPORTED FROM EXECUTIVE COMMITTEE LAID ON THE TABLE

Mr. JAMES. Mr. President, I move that the nominations just favorably reported from the Committee on Executive Nominations be laid on the table.

Mr. DENT. I second the motion.

The motion was agreed to.

SENATE BILL No. 974, (HOUSE BILL No. 1167), ON THIRD READING POSTPONED CALLED UP

Mr. CROWE. Mr. President, I now call up Senate Bill No. 974, (House Bill No. 1167), on third reading, postponed, on page 33 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 974, (House Bill No. 1167), as follows

An Act to amend section three hundred seventeen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" changing the provisions of said act as to the right of residents to hunt and trap without a license

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred seventeen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 317 Legal Hunting or Trapping by Residents Without License [Nothing in this article shall be construed to prevent any citizen of the United States residing within this Commonwealth from having a gun in his home or from using such gun in defense of either person or property or from shooting at targets or to prevent any bona fide owner or any bona fide lessee of lands within this Commonwealth or any member of the family or household or regularly hired help of such owner or lessee if such person is a citizen of the United States actually residing upon and cultivating such lands from hunting or trapping thereon or by and with the consent of the owner thereof from hunting or trapping upon the lands immediately adjacent and connected with his own lands without securing the license provided for by this article unless the Commission has denied or this act does deny to such person the right to hunt or trap anywhere] Unless the right to procure a license or to hunt or trap anywhere within the Commonwealth has been denied under the provisions of this act any citizen of the United States residing within this Commonwealth who is regularly and continuously engaged in cultivating the soil for general farm crop purposes commercial truck growing commercial orchards or commercial nurseries as either the owner or lessee or tenant of said lands or as a member of the family or household or regularly hired help of such owner or lessee or tenant shall be eligible to hunt and trap on said lands including the woodlands connected therewith and operated as a part thereof without a resident hunter's license if such owner lessee tenant member of the family or household or hired help resides in a dwelling situated upon the property so being cultivated and shall have continuously resided thereon and assisted in the cultivation of said land for a period of sixty or more days prior to the general open hunting or trapping season

Any of the persons enumerated above who shall be eligible to hunt or trap on certain lands without securing a resident hunter's license also may by and with the written consent of the owner or lessee thereof hunt or trap upon any land other than those publicly-owned which lie immediately adjacent and are connected with the lands upon which such persons may lawfully hunt or trap without securing a license

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Kephart,	Snowden,
Bartlett,	Ealy,	Lanius,	Stevenson,
Becker,	Edmonds,	Letzler,	Stiefel,
Carr,	Farrell,	Mallery,	Tallman,
Cavalcante,	Frey,	McGinnis,	Taylor,
Chapman,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Tyler,
Cox,	Heyburn,	Reed,	Wade,
Crider,	Homsher,	Ruth,	Walker,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Dent,	Jaspan,	Shapiro,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

LEAVE OF ABSENCE

The PRESIDENT. The Senator from Washington, Mr. Reed, has requested permission to be absent from the Senate for the balance of the week in order that he may argue a case in court tomorrow morning.

If there is no objection leave will be granted.

MOTION THAT ALL HOUSE BILLS ON SECOND READING GO OVER IN THEIR ORDER

Mr. GELTZ. Mr. President, I move that all House bills on second reading, go over in their order.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 468, (House Bill No. 70), on second reading, entitled:

"An Act to amend section seven hundred three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class: amending, revising, consolidating, and changing the law relating thereto by providing for the compensation paid to township commissioners

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 513, entitled:

An Act creating a commission to be known as the Pennsylvania Board of Tax Appeals; defining in part the powers and duties of such commission; abolishing the Board of Finance and Revenue of the Commonwealth of Pennsylvania; terminating the terms of the members thereof, and transferring to the Pennsylvania Board of Tax Appeals the records, employes, property, and equipment of the Board of Finance and Revenue; authorizing the Pennsylvania Board of Tax Appeals to appear in and complete all pending proceedings, instituted before, by or against the Board of Finance and Revenue; providing that all decisions, orders, and rules and regulations of the latter board shall remain effective until repealed, changed or modified by the Pennsylvania Board of Tax Appeals, and transferring and appropriating to the Pennsylvania Board of Tax Appeals any unexpected balance of any existing appropriation to the Board of Finance and Revenue.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 580, (House Bill No. 405), on second reading, entitled:

An Act to amend section three of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better

protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing that student apprentices shall receive credit toward their apprenticeship for time spent in military training not exceeding one year

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 707, (House Bill No. 1023), on second reading, entitled:

An Act prohibiting employers from directly or indirectly offering for sale selling procuring for sale having in possession or under control for sale to employes or others any merchandise not produced by employers or not handled in the regular course of employer's business providing exceptions thereto declaring such prohibited sales to be unfair competition and repealing prior inconsistent legislation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 736, entitled:

An Act to amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers; fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined," as amended, by adding subsection (d) authorizing department, boards, or commissions to grant easements or rights of way, upon, across, over, under or along lands of the Commonwealth, under certain conditions, in the interest of National Defense.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 769, (House Bill No. 1194), on second reading, entitled:

An Act to amend sections two and three of the act, ap-

proved the eleventh day of May, one thousand nine hundred and eleven, (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended, by providing for the issuance of certificates of approval for weights and measures of county, city, and borough sealers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 861, (House Bill No. 1036), on second reading, entitled:

An Act to amend subsection (b) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphan's court in connection therewith and the fees therefor" by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent the natural parent shall retain his or her status as such and shall for purposes of inheritance and devolution be regarded as an adopting parent

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 863, (House Bill No. 1172), on second reading, entitled:

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by empowering counties to acquire real estate by lease, purchase or gift for use as fairground, authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fairgrounds, including the appropriation of funds, joint action with other political subdivisions, the levy and collection of taxes, the creation of county fair boards, and the acceptance of State contributions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 883, entitled:

An Act to enlarge the powers of the Navigation Commission for the Delaware River and its navigable tributaries with respect to the maintenance, operation and financing of a nautical school for the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent

that Senate Bill No. 890, (House Bill No. 139), on second reading, entitled:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 937, (House Bill No. 11), on second reading, entitled:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth establishing the "Pennsylvania Board of Parole" conferring and defining its jurisdiction duties powers and functions including the supervision of persons placed upon probation in certain designated cases providing for the method of appointment of its members regulating the appointment removal and discharge of its officers clerks and employes dividing the Commonwealth into administrative districts for purposes of parole fixing the salaries of members of the board and of certain other officers and employes thereof making violations of certain provisions of this act misdemeanors providing penalties therefor and for other cognate purposes and making an appropriation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1096, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by basing the tax upon the book value of the shares; continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1097, entitled:

An Act to further amend section one of the act, approved the fifth day of July, one thousand eight hundred and ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation," by redefining the base for taxation of shares of stock of banks and savings institutions, and by increasing the rate of tax for a further limited period of time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1109, (House Bill No. 957), on second reading, entitled:

An Act to amend the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employees retirement system in counties of the third class; and imposing certain charges on counties" extending and further regulating such retirement systems

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1116, entitled:

An Act to further amend section two thousand one hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 942), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by providing as to the hours of service of certain regularly employed drivers and firemen of volunteer fire departments having ten or more drivers in cities of the third class, where such persons are paid directly or indirectly by the city or by granting gratuities to the respective volunteer companies.

And said bill having been read at length the second time and agreed to,

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1116, the bill just read, be recommitted to the Committee on Municipal Government.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. MILLER. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT The gentleman from Luzerne will be so recorded.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent

that Senate Bill No. 1118, (House Bill No. 687), on second reading, entitled:

An Act to further amend the title and section one of the act approved the third day of May, one thousand nine hundred and nine (P. L. 424), entitled "An act providing that in all counties having more than five hundred thousand inhabitants, advertisements and notices, required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, shall be published in the legal newspaper, issued at least weekly, of the proper county, designated by rules of court for the publication of court or other legal notices," as amended, extending the provisions of the said act to counties of the sixth class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1121, (House Bill No. 909), on second reading, entitled:

An Act to further amend section three hundred three of and to add section three hundred seven to the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees, and imposing penalties," by providing for the appointment of assistant managers in Pennsylvania Liquor Stores; and by establishing minimum salaries for certain employees of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1151, (House Bill No. 1488), on second reading, entitled:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States during a national emergency under licenses or registrations issued by the Department of Public Instruction and brokers licenses issued by the Department of Insurance to practice professions or to work at trades or occupations; and providing for renewals after discharge from such service

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1185, (House Bill No. 1716), on second reading, entitled:

An Act to further amend sections three and ten of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled, as amend-

ed "An act imposing a State tax, payable by those herein defined as manufacturers and by others, on malt or brewed beverages used, sold transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of malt or brewed beverages taxable hereunder; and providing penalties," by prescribing malt beverage tax rates for certain original containers or standard fractions thereof; and providing for refunds of tax for malt or brewed beverages sold to commissaries, ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1190, entitled:

An Act making an appropriation to the Department of Public Instruction for the cost of improving, repairing, operating and maintaining the Thaddeus Stevens Industrial School at Lancaster, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1191, (House Bill No. 361), on second reading, entitled:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capital City

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1199, (House Bill No. 1420), on second reading, entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon personal property held and managed in this Commonwealth owned held or possessed by residents as trustees agents or attorneys-in-fact jointly with one or more trustees agents or attorneys-in-fact domiciled in another state and by imposing the tax upon equitable interests of residents in personal property held and managed in another state where the legal title to such personal property is held by more than one trustee agent or attorney-in-fact one or

more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth and exempting casualty insurance companies having no capital stock from the tax imposed by this act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1205, (House Bill No. 1611), on second reading, entitled:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owners

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1217, (House Bill No. 1798), on second reading, entitled:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1224, (House Bill No. 1013), on second reading, entitled:

An Act to repeal section five of the act approved the fourth day of May one thousand nine hundred and five (P. L. 385) entitled "An act creating the Water Supply Commission of Pennsylvania defining its duties fixing the scope of its authority and powers and making an appropriation for the payment of the salaries and expenses connected therewith" prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1229, (House Bill No. 1286), on second reading, entitled:

An Act relative to the employment of females in hotels taverns saloons and eating houses for the mixing or sale of alcoholic drinks and the penalty for violation thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1236, (House Bill No. 1585), on second reading, entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1237, (House Bill No. 1643), on second reading, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for the manner of payment of escheator's fees informant's commissions and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat designating the funds to which such moneys shall be credited and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1241, (House Bill No. 1719), on second reading, entitled:

An Act to add clause (k) to section two thousand one hundred two and to repeal clause (d) of section two thousand one hundred ten of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administration departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health to conform with the provisions of the Public Utility Law

go over in its order.

The PRESIDENT. Is there objection. The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1242, (House Bill No. 1721), on second reading, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire a certain tract of land for the use of Pennsylvania Industrial School and making an appropriation therefore

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1243, (House Bill No. 1738), on second reading, entitled:

An Act to amend Route 22045 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1244, (House Bill No. 1739), on second reading, entitled:

An Act to amend Route 38043 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1246, (House Bill No. 1771), on second reading, entitled:

An Act requiring clerks of courts to forward to the Department of Health a certification of decrees in divorce annulment of marriage adoption and annulment of adoption proceedings providing for the registration of such certificates by the said department the issuance of certified copies thereof and fixing fees and penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1249, (House Bill No. 1827), on second reading, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters and for the landscaping thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1257, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1016), entitled "An act relating to aeronautics; providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth; providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth; conferring powers and duties on the Department of Revenue with respect thereto; and repealing certain acts and parts of acts," by extending the powers of the department in relation to air transport facilities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1257, entitled:

An Act to amend article twenty of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by authorizing the Department of Highways to construct, repair and maintain certain facilities of airports.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1264, (House Bill No. 1370), on second reading, entitled:

An Act to amend section eighteen of article nineteen of the act approved the twenty-fifth day of June one thou-

sand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" further regulating the removal discharge or reduction in pay or position of officers clerks and employees in the classified civil service

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1270, (House Bill No. 1661), on second reading, entitled:

An Act to amend section three of the act approved the tenth day of May one thousand nine hundred and thirty-nine (P. L. 111) entitled "An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws" providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resources industries located preponderantly within the Commonwealth

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1271, (House Bill No. 1802), on second reading, entitled:

An Act providing for and requiring in certain cases preference in appointments to public position for honorably discharged persons who served in the military or naval service during any War in which the United States was engaged

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1281, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. WALKER. Mr. President, on behalf of the gentleman from Schuylkill, Mr. Watkins, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER. read in place and presented to the Chair Senate Bill No. 1297, entitled:

An Act to validate and quiet the title to real estate

in this Commonwealth conveyed to any person, partnership or corporation authorized to hold such real estate by any alderman, justice of the peace or magistrate, where such alderman, justice of the peace or magistrate has acknowledged such conveyance.

Which was committed to the Committee on Judiciary General.

LEAVE OF ABSENCE

Mr. MILLER. Mr. President, I desire to ask leave of absence for myself for the balance of the week.

The PRESIDENT. If there is no objection the request of the gentleman from Luzerne will be granted.

HOUSE MESSAGE

SENATE BILL No. 1218, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1218, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. GELTZ. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. WALKER. Mr. President, I second the motion. The motion was agreed to.

On the question,

Will the Senate concur in the amendments?

Mr. GELTZ. Mr. President, I would like to say that I have examined the amendments placed in this bill by the House and that those amendments are in accordance with the suggestion made the other day, that they be placed in the bill by the House after passage by the Senate.

Therefore, Mr. President, I move that the Senate do now concur in the House amendments.

And the question recurring,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Kephart,	Stevenson.
Bartlett,	Ealy,	Lanlus,	Stiefel
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor.
Cavalcante,	Frey,	McQuiddy,	Thomas.
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Orider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Dent,	Jaspan,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEE

Mr. WALKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1296, entitled:

An Act to amend section one of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by reducing the number of judges of said court.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1297, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth conveyed to any person, partnership or corporation authorized to hold such real estate by any alderman, justice of the peace or magistrate, where such alderman, justice of the peace or magistrate, has acknowledged such conveyance.

POINT OF INFORMATION

Mr. HALUSKA. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Cambria will state his point of information.

Mr. HALUSKA. Mr. President, I desire to ask the Chair when those bills were reported; was it this afternoon?

The PRESIDENT. To which bills does the gentleman from Cambria refer?

Mr. HALUSKA. The bills which have been reported out now, Mr. President.

Mr. WALKER. Mr. President, the answer is "yes."

Mr. HALUSKA. Quick work, Mr. President.

MOTION TO READ BILLS THE FIRST TIME

Mr. WALKER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 288, (House Bill No. 183), entitled:

An Act to amend section seven hundred two and to further amend section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the establishment and maintenance of fire hydrants and fire hydrant water service and the levy of a special tax therefor with the assent of electors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 492, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission for the purchase of furniture and furnishings of the proper period to complete the "Pennsbury Memorial," and to landscape the property connected therewith.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 526, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways; and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the boroughs of South Langhorne, Langhorne Manor and Langhorne, Bucks County.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 540, (House Bill No. 648), entitled:

An Act to amend section 873 of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, twelve hundred and seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising amending and consolidating the laws relating thereto" providing roads to be county roads as soon as so determined and further providing for the repair, construction and maintenance of such roads within the limits of boroughs and cities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 591, entitled:

An Act making an appropriation to the Lower Allen Fire Company for the protection of State property at the Pennsylvania Industrial School at White Hill.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 656, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the borough of Sellersville, Bucks County.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 849, (House Bill No. 812), entitled:

An Act to amend clause (b) of section three hundred and two of the act, approved the third day of June, one

thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections; including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the display of the flag of the United States at polling places; and imposing such duty on county boards of elections.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 850, (House Bill No. 1185), entitled:

An Act to further amend section five hundred and two and section five hundred and four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring submission of all plans for public improvements to the county planning commission for approval, and prohibiting the recording of plans and sales of lots before their approval, under penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 932, entitled:

An Act to further amend section eight hundred and six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government; providing for the settlement assessment, collection, and lien of taxes, bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make return or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by changing and restricting the right of the Commonwealth to impose interest on unpaid tax and bonus when such tax and bonus are not settled within a certain period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 933, entitled:

An Act to further amend clause (a) of section five hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds or moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to say, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1079, (House Bill No. 1597), entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highway conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Lebanon.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1135, (House Bill No. 223), entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township, Lancaster County, or so much thereof as may be necessary, as a memorial; providing for the control, management, supervision, improvement, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules for the preservation and visitation thereof; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1156, (House Bill No. 1529), entitled:

A Supplement to the act, approved the twenty-second day of June one thousand nine hundred and thirty-one, (P. L. 594) entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes to be used as a part of the national defense program in the County of Cambria.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1158, (House Bill No. 1542), entitled:

An Act to amend route 55121, as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," changing a route in the County of Somerset.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1196, (House Bill No. 1177), entitled:

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety, regulating the use of the highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth, providing the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers, providing that records are admissible as evidence, imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties, imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees and miscellaneous receipts, making an appropriation and providing for refunds," by allocating fees for inspection certificate for promotion of highway safety.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1226, (House Bill No. 1101), entitled:

An Act to amend sections one thousand five hundred and one and one thousand five hundred and eight of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating sewer connections and sewer district assessments in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1231, (House Bill No. 1466), entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of act relating to elections" by changing the procedure for and regulating voting in elections by persons in actual military service conferring powers and imposing duties upon the Secretary of the Commonwealth courts county boards of elections and county commissioners providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1232, (House Bill No. 1467), entitled:

An Act to amend the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commission county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1239, (House Bill No. 1704), entitled:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation.

' And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1248, (House Bill No. 1826), entitled:

An Act to amend part of section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" changing a certain route in the City of Johnstown.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1265, (House Bill No. 1465), entitled:

An Act to amend the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1266, (House Bill No. 1468), entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards, election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1267, (House Bill No. 1469), entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1280, (House Bill No. 1825), entitled:

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1282, entitled:

An Act making an appropriation to the California State Teachers College, for the purchase of lands needed for the better operation of such college.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1283, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Warren.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1292, entitled:

An Act making an appropriation to the Citizens Fire Company No. 1 of Lemoyne Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1293, entitled:

An Act making an appropriation to the Camp Hill Fire Company No. 1 of Camp Hill Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1294, entitled:

An Act making an appropriation to the Citizens Fire Company No. 1 of New Cumberland, Pennsylvania, for the protection of State property at the Pennsylvania Industrial School at White Hill.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1295, entitled:

An Act making an appropriation to the Elkwood Fire Company No. 2 of New Cumberland Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1296, entitled:

An Act to amend section one of the act, approved the

fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by reducing the number of judges of said court.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1297, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth conveyed to any person, partnership or corporation authorized to hold such real estate by any alderman, justice of the peace or magistrate, where such alderman, justice of the peace or magistrate has acknowledged such conveyance.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 1218, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Thursday, June 26, 1941, at 11:30 o'clock, a. m. Eastern Standard Time.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:30 o'clock, p. m., Eastern Standard Time until Thursday, June 26, 1941, at 11:30 o'clock, a. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, June 25, 1941

The House met at 2 p. m.

The SPEAKER (Elmer Kilroy) in the Chair,

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

O God, our Heavenly Father, Thou art never far from anyone of us, for it is in Thee that we live and move and have our being. Forgive us, we pray Thee, for sinful restlessness that causes us to wander from Thee.

This day, our Father, we seek a special blessing. We would ask Thee that a blessing of comfort might abide within the hearts of those who mourn the loss of a worthy servant of the State.

May we ever recall the finest and best from the life of Dr. Shaw, for whom time is no more. We ask Thee, O God, that Thy mercy and Thy peace may abide within his earthly home now filled with grief and sorrow. Be very near to his loved ones. Comfort, sustain and uphold them with Thy great power and love.

Realizing that we are but pilgrims and strangers on this highway of life, and knowing that we pass this way but once, help us, O our God, to seek to be a brother to all men. In Thy name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. KENEHAN unanimously agreed to the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. PETROSKY.

HOUSE BILL No. 1920.

An Act to reenact and further amend section one thousand four hundred and eighteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by clarifying the provisions of such section requiring free transportation of certain school children in districts of the fourth class and certain districts of the third class; providing for reimbursement by the Commonwealth for such transportation; and regulating the manner in which such transportation shall be furnished.

Referred to the Committee on Education.

By Messrs. PETROSKY and WEISS.

HOUSE BILL No. 1921.

An Act making an appropriation to the Department of Military Affairs for the payment of gratuities for military services to residents of this Commonwealth, who are enlisted or inducted into the armed service of the United States.

Referred to the Committee on Military Affairs.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. GOODWIN.

RESOLUTION No. 106.

In the House of Representatives, June 25, 1941.

Whereas, The young men of our Commonwealth who enlisted or who were inducted into the armed services of the United States under the Selective Service Act suffer a considerable financial loss by such induction or enlistment; and

Whereas, Their sacrifices should not go unnoticed or to some extent unrewarded; and

Whereas, Many of these men use the Pennsylvania Turnpike on their furloughs or leave of absences from

their various encampments, so that they may visit their homes and loved ones; be it therefore

Resolved, That the House of Representatives request the Pennsylvania Turnpike Commission to permit such young men to use the facilities of the Turnpike free of charge; and be it further

Resolved, That the Chief Clerk of the House forward a copy of this request on its adoption immediately to the Chairman of the Pennsylvania Turnpike Commission.

Referred to the Committee on Rules.

By Messrs. TATE and McCLANAGHAN,

RESOLUTION No. 107.

In the House of Representatives, June 25, 1941.

Whereas, By virtue of Act No. 3, approved March 19, 1941, a State Council of Defense was established; and

Whereas, Under Section 4 of the aforesaid act, the State Council of Defense was given the following powers:

"(e) To supervise and direct investigations and report to the Governor with recommendations for legislation or other appropriate action as it may deem necessary with respect to the following matters, in so far as they are or may be related to defense:

* * * *

(6) Consumers and consumer protection;"

and

Whereas, There has been an unjustifiable increase in the price of food stuffs and commodities to the consumers of the Commonwealth of Pennsylvania, which is not predicated on any shortage of such food stuffs and commodities, but rather appears to be based purely on motives of profiteering; and

Whereas, Immediate steps should be taken to stop such unjustifiable increases in the prices of food stuffs and commodities; be it therefore

Resolved, That the House of Representatives requests the State Council of Defense to immediately take such action commensurate with its powers to prevent any further increase in such food stuffs and commodities; and be it further

Resolved, That the State Council of Defense immediately notify the National authorities so that all possible steps shall be taken to protect the consumers of this Commonwealth from exploitation; and be it further

Resolved, That the Chief Clerk of the House of Representatives forward a copy of this resolution to the chairman of the State Council of Defense immediately upon its final adoption.

Referred to the Committee on Rules.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon a former member from Berks County, Mr. Otis S. Rothenberger.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. BRETH for himself for the remainder of the week after today.

Mr. VOLDOW for himself for the remainder of the week after today.

Mr. VOLDOW for Mr. CHUDOFF for the remainder of the week.

Mr. BRETHERICK for himself for Friday.

Mr. FLEMING for himself for the remainder of the week after today.

Mr. VANALLSBURG for himself for the remainder of the week after Thursday.

Mr. SNYDER for himself for the remainder of the week after today.

Mr. SERRILL for himself for the remainder of the week after today.

Mr. TROUT for Mr. NORMAN WOOD for today.

Mr. WALTER E. ROSE for himself for the remainder of the week after today.

Mr. BROWN for himself for the remainder of the week after today.

Mr. ROYER for himself for the remainder of the week after today.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. BROWN asked and obtained permission for the Committee on Judiciary General to meet during the session of the House.

MR. HOLLAND IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1919, entitled:

An Act to amend section 103, 301, 304, 305, 307, 308, 310, 311, 401, 402, 403, 404, 405, 410, 501, 502, 503, 505, 506, 508, 510, 511, 512, 513, 703, 801, 802, 803, 804, 807, 808, 809, 904, 1013 and 1101 of the act approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefore, requiring milk dealers to file bonds to secure payment for milk producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplies and superseded by this act, and saving rights, duties and proceedings thereunder and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer", defining the terms "handle" and "handler"; extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission; enabling certain officers, employees and agents to administer oaths; pro-

viding the method and effect of service of certain orders and the posting of rules, regulations and certain orders; enabling employes of the commission to photograph, photostat, mark or stamp for identification books and papers that they have inspected; providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders; requiring milk dealers or handlers to be licensed; stating grounds for refusal, suspension, revocation of licenses and the right to transfer licenses stating grounds for refusal of the right to apply for a license; stating the effect of service by registered mail; enlarging requirement of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers; prescribing the effective date and term of such bonds and providing for their release; providing for the increase or decrease of the amounts of bonds; prescribing the effect or orders and findings of fact of the commission relating to licenses in suits or bonds; providing for payment to those entitled thereto of moneys in the hands of the commission owing from dealers or handlers to producers and from subdealers or subhandlers to dealers or handlers; increasing the scope of regulation of subdealers or subhandlers; making certain information available to cooperatives and producers' groups; clarifying the requisites of orders fixing prices for milk; providing for the competency of certain statistical testimony and data; providing that all provisions of price-fixing orders shall be presumed to be valid and placing the burden of proving any invalidity of any order or part thereof; stating the effect of partial invalidity of price-fixing orders; defining violations of orders of the commission fixing prices; making milk dealers or handlers responsible for acts of their directors, officers, agents or other persons acting for or on behalf of them; giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk; further regulating and imposing duties on milk dealers or handlers; prescribing procedure on appeal from orders of the commission; further defining and prescribing penalties, defenses, rights and remedies; and providing for the payment of funds in the hands of the commission owing producers or dealers or handlers to those entitled thereto.

And said bill having been read at length the first time,
Ordered, To be transcribed for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1890, (Senate Bill No. 823), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercises of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the eligibility of directors or trustees of incorporated institutions and further providing for the powers liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary

business or both; and of affiliates of such corporations or persons; and of officers, directors, trustees and employes of such corporations and persons.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1819, (Senate Bill No. 784), entitled:

An Act to amend section four hundred three of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts, further regulating the publication of advertisements and notices required under the provisions of said act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Allegheny, Mr. Holland, for presiding.

INTERROGATION

Mr. D'ORTONA. Mr. Speaker, I wish to interrogate the gentleman from Philadelphia, Mr. Thomas Lee.

The SPEAKER. Is the gentleman from Philadelphia, Mr. Thomas Lee, in the House?

Mr. D'ORTONA. Or Mr. Edwin Lee, Mr. Speaker.

The SPEAKER. Will the gentleman from Philadelphia Mr. Edwin Lee permit himself to be interrogated?

Mr. EDWIN A. LEE. I will, Mr. Speaker.

Mr. D'ORTONA. Mr. Lee, could you tell me how the minority members in filing the minority report came to the conclusion that this accident was unavoidable?

Mr. EDWIN A. LEE. I think we all agreed it was unavoidable, Mr. Speaker.

Mr. D'ORTONA. Mr. Speaker, my question was not answered. My question was what brought them to the conclusion that the explosion in Philadelphia was unavoidable?

Mr. EDWIN A. LEE. Those same reasons, Mr. Speaker, that the minority members filed in their report. We were not together on it.

Mr. D'ORTONA. Mr. Speaker, in the report of the majority members on that committee we took the testimony of each witness that appeared before the committee in Philadelphia. I wish to ask the gentleman from Phila-

Philadelphia if he read the testimony of Fred Matheas, the superintendent of the Department of Public Works in Philadelphia?

Mr. EDWIN A. LEE. I did, Mr. Speaker.

Mr. D'ORTONA. Mr. Speaker, I also would like to ask the gentleman from Philadelphia if he read the testimony of Gerardo Cedrona, foreman of the Highway Department in Philadelphia?

Mr. EDWIN A. LEE. Mr. Speaker, I read all the testimony in the report, but unfortunately I do not have it with me.

Mr. D'ORTONA. And, Mr. Speaker, after reading the testimony in the majority report, does the gentleman from Philadelphia wish to state that the minority members came to the conclusion that the explosion was unavoidable and that no one was to blame?

Mr. EDWIN A. LEE. That is correct, Mr. Speaker.

Mr. D'ORTONA. That is all, Mr. Speaker.

Mr. Speaker, I was greatly surprised to learn that the minority members of the Committee appointed to investigate the gas explosion had released to the newspapers the minority report before this same report had been presented to this House.

After carefully reading this minority report I am firmly convinced that instead of being based upon the testimony of the many witnesses who appeared at the hearings it is one entirely political in nature.

Evidently the writer of the minority report has been much more interested in criticizing the Coroner than in considering the testimony submitted at the hearings. He has entirely ignored the fact that the Coroner is required by law to investigate all cases involving death resulting from accidents.

In no way did the Coroner interfere with the duties imposed by this House on its Committee, as the hearings had been finished before the Coroner's inquest was held.

The so-called "blue-ribbon" jury criticized in the minority report was composed of three prominent Republican citizens and three equally prominent Democrats. This is proof of the fact that no political influence was indulged in by the Coroner.

The charge that the Coroner showed "lack of respect for a Legislative Body" has no basis in fact. On the contrary he at all times proffered to your Committee his fullest cooperation.

Equally baseless is the charge that the Coroner's inquest was superficial. Anyone acquainted with the facts should know that, on the contrary, this inquest was thorough and impartial.

Your Committee has always felt that this House intended that a complete and impartial investigation should be made with a view to fixing the responsibility for these tragedies and producing corrective legislation.

Your Committee has, in its majority report followed what it conceived to be the wishes of this House and has not only fixed the responsibility for these deaths but has also made certain definite recommendations which would, if adopted prevent a recurrence.

The minority report, on the other hand, has found no person responsible nor has it made any recommendation which would prevent future tragedies of this nature. It merely refers to this catastrophe as an "unfortunate occurrence." I repeat that this minority report is purely and plainly one of a political nature.

Further, Mr. Speaker, I want to say a few weeks ago

this committee recommended to this House, House Bill 1710 to create an inspection board in the Department of Public Works in Philadelphia, and the gentlemen who filed the minority report, in which they criticized the majority report, all voted aye for that bill. Today in this minority report they state that it would be a financial burden upon the city of Philadelphia. I want to say, Mr. Speaker, that in creating this inspection board there is no additional expenses incurred because the work is to be done by the same people that are receiving compensation today. If the minority members of that Committee, Mr. Speaker, want to place political rights above human rights, I say again, Mr. Speaker, that their minority report was a political whitewash.

PERMISSION TO ADDRESS HOUSE

Mr. FLETCHER asked and obtained unanimous consent to address the House.

Mr. Speaker, Mr. D'Ortona has just said in a very few words that the minority on that committee has released to the newspapers their report before he received it. I would like to tell the gentleman that I, Mr. Fletcher, did not know anything about the report being made to any of the newspapers, and I would like to interrogate the gentleman from Philadelphia, Mr. D'Ortona.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. D'ORTONA. I will, Mr. Speaker.

Mr. FLETCHER. Mr. Speaker, why did the gentleman say that the committee gave that notice of the result of the investigation to the newspapers?

Mr. D'ORTONA. Mr. Speaker, the report was filed late yesterday afternoon and the report of the minority members appeared in yesterday morning's Bulletin.

Mr. FLETCHER. Mr. Speaker, it's a wonder Mr. D'Ortona did not find out who gave that report to the newspapers before accusing the minority members of the investigating committee, because I for one did not give it to any newspaper.

Mr. D'ORTONA. Mr. Speaker, that statement to the newspapers was given by Mr. Thomas Lee, a member of the committee.

Mr. FLETCHER. Well, Mr. Speaker, why did not the gentleman say that it was given by Mr. Thomas Lee instead of the members? That is the point I want to reach.

Mr. D'ORTONA. Mr. Speaker, Mr. Lee told me that he would file the report for the minority members.

Mr. FLETCHER. Mr. Speaker, the gentleman may have told him he would file the report, but was he giving it to the newspapers for the minority members?

Mr. D'ORTONA. Mr. Speaker, Mr. Lee also told me that he gave it to the newspapers on Monday morning.

Mr. FLETCHER. Mr. Speaker, did Mr. Lee tell the gentleman that he gave the views of the members? He may have told the gentleman that he gave it to the newspapers, but I for one want to correct that, and state that I had nothing to do with it.

Mr. D'ORTONA. Mr. Speaker, I accept Mr. Fletcher's explanation that he probably did not know that the report was given to the newspapers by Mr. Lee.

SENATE MESSAGES

RESOLUTIONS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed

that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 24, 1941.

Resolved, (if the Senate concur), That House Bill No. 949, Printer's No. 717, entitled "An act to further amend section nine of the act approved the seventh day of June, one thousand nine hundred and seventeen, P. L. 363), entitled 'An act relating to the organization, jurisdiction and procedure of the orphans' courts, the powers and duties of the judges thereof, and appeals therefrom,' by imposing liability on executors, administrators or trustees for real estates brokers' commissions in certain cases," which was recalled from the Governor June 12th, and laid on the table June 12th, be returned to the Governor without amendment.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 24, 1941.

Resolved, (if the Senate concur), That House Bill No. 107, Printer's No. 742, entitled "An act to amend section eleven of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven, (P. L. 395), entitled 'An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges, and making an appropriation,' as amended; by providing that certain of such toll bridges heretofore or hereafter acquired by the Department of Highways may be free bridges from the effective date of this act, or from the date they are so acquired," which was recalled from the Governor on June 6th for amendment, and laid on the table on June 9th, be returned to the Governor without amendment.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), that House Bill No. 869, Printer's No. 293, entitled "An act to amend the act approved the fifteenth day of July one thousand nine hundred thirty-six (P. L. First Extraordinary Session 47) entitled 'An act to enable persons associations partnerships and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confessions of judgments regulating the assignment and release of such mortgages and designating the operation and effect of the lien of such mortgages' by extending enlarging and removing the limitations from the class of those who may become chattel mortgagees by making further provision respecting fees of recorders of deeds in connection with chattel mortgages extension of the lien of said mortgages and defaults of said mortgages and by defining violations and prescribing penalties" be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), that House Bill No. 1470, Printer's No. 677, entitled "An act providing for practical arts and vocational agricultural home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue em-

ployment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation," be recalled from the Governor for the purpose of amendment.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 24, 1941.

Resolved (if the Senate concur), that House Bill No. 251, Printer's No. 106, entitled "An act to amend section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled 'An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof' by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employee or any other party in interest against the fund", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. GERARD asked and obtained permission for the Committee on Ways and Means to meet during the session of the House.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 24, 1941.

Resolved, (if the Senate concur), That House Bill No. 1513, Printer's No. 797, entitled "An act to further amend section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled as amended 'An act to provide revenue for State purposes, imposing taxes upon certain classes of personal property; providing for the assessment, collection and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties, and making an appropriation,' by exempting assets held by liquidating trustees," be recalled from the Governor for the purpose of amendment.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 616

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 616.

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" providing for the fixing of bail and the admission to bail by magistrates committing magistrates justices of the peace or aldermen and the fixing of bail by coroners in certain cases involving involuntary manslaughter

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

And has appointed Messrs. Walker, Carr, Cox, a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 61.

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

HOUSE BILL No. 267.

An Act making an appropriation to aid certain school districts

HOUSE BILL No. 280.

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County

HOUSE BILL No. 281.

An Act making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

HOUSE BILL No. 305.

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

HOUSE BILL No. 317.

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania

HOUSE BILL No. 351.

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania

HOUSE BILL No. 472.

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

HOUSE BILL No. 502.

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania, certain land which is the site of an old fortress known as Old Garrison in the City of Franklin, Venango County, or so much thereof as may be necessary as a historical memorial; providing for the control, management, supervision and improvement thereof; authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof; authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison; and making an appropriation.

HOUSE BILL No. 614.

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

HOUSE BILL No. 640.

An Act establishing certain public roads and streets, and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway; and providing for their laying out, opening, construction and maintenance by the Department of Highways subject to certain terms and conditions.

HOUSE BILL No. 1003.

An Act making an appropriation to the Moore Institute of Art, Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania

HOUSE BILL No. 1065.

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania

HOUSE BILL No. 1068.

An Act making an appropriation to the Trustees of the University of Pennsylvania

HOUSE BILL No 1233.

An Act to amend section three hundred seventy of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing the county commissioners, from time to time, to make supplemental appropriations.

HOUSE BILL No. 1232.

An Act to further amend section one thousand eight hundred and four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" authorizing the council in such cities from time to time to make supplemental appropriations.

HOUSE BILL No. 1234.

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing the township commissioners from time to time to make supplemental appropriations.

HOUSE BILL No. 1235.

An Act to further amend section three hundred and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts, and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the commissioners of any county institution district from time to time, to make supplemental appropriations.

HOUSE BILL No. 1236.

An Act to further amend section nine hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the township supervisors, from time to time, to make supplemental appropriations.

HOUSE BILL No. 1441.

An Act to amend routes 52037 and 52044 as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," changing certain routes in the county of Potter.

HOUSE BILL No. 1457.

An Act establishing certain public roads in Porter Township, Clarion County, and Mahoning Township, Armstrong County, as a State highway; providing for their construction and maintenance by the Department of Highways;

HOUSE BILL No. 1590.

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum Philadelphia

HOUSE BILL No. 1591.

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia

HOUSE BILL No. 1659.

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons, associations and corporations.

HOUSE BILL No. 1722.

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Warren State Hospital, to acquire a certain tract of land for the use of said hospital, and making an appropriation therefor.

With the information that the Senate has passed the same without amendment.

RESOLUTION

RECALLING HOUSE BILL No. 1676 FROM THE GOVERNOR

Messrs. McFALL and ELLWOOD B. WELSH offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 25, 1941.

Resolved, (if the Senate concur), that House Bill No. 1676, Printer's No. 776, entitled "An act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518) entitled 'An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of the act and repealing all acts or parts of acts inconsistent with this act' by defining and making further provision relative to the installation and use of 'man lift' elevators," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMITTEE APPOINTED TO ATTEND FUNERAL OF HON. JOHN J. SHAW

The SPEAKER. The Speaker appoints as a committee on the part of the House to attend the funeral of Dr. John J. Shaw to be held at the Oliver H. Bair Funeral Parlors, 1820 Chestnut Street, Philadelphia, Friday afternoon, June 27th, at Two O'Clock, Daylight Saving Time the following members:

Messrs. Skale, Corrigan, DiGenova, Rosenfeld, Voldow, Fletcher, D'Ortona, Falkenstein, Melchiorre, Young, Allmond, Voorhees, O'Dare, Finestone, Monks, McClanahan, Welsh, Levy, O'Mullen, Thompson, Cohen, Thomas, Lee, Edwin Lee, Herman, Prosen, Shepard, Finnerty, Rose, Kolankiewicz, O'Brien, Rooney, Hersch, Duffy, Jefferson, Modell, Cullen, Chudoff, Scanlon, Tate, Hering, Cadwalader, Brunner, Wood, Winner, Boorse, Yeakel, Stockham, Rank, Gyger, Leisey, Rush, James, Turner and Bretherick.

This committee is requested by the Chief Clerk to meet in the New House Caucus room immediately upon adjournment of today's session.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, Pa., June 25, 1941.

Subject: Funeral of Dr. John J. Shaw, Secretary of Health.

To: All Department Heads.

From: J. Paul Pedigo, Secretary to the Governor.

The funeral services of Dr. John J. Shaw, Secretary of Health, will be held at the Oliver H. Bair Funeral Parlor, 1820 Chestnut Street, Philadelphia, Friday Afternoon, June 27th, at 12:00 o'clock noon, Daylight Saving Time.

The Governor directs me to advise you that all State offices under his jurisdiction, both in Harrisburg and outside Harrisburg, are to be closed Friday at 12:00 o'clock noon, Daylight Saving Time, for the remainder of the afternoon.

J. PAUL PEDIGO

REPORTS FROM COMMITTEES

Mr. MARKS, from the Committee on Judiciary General, reported as committed, House Bill No. 1858, (Senate Bill No. 263), entitled:

An Act to establish a system, uniform throughout the Commonwealth, for the compensation of witnesses, regulating the amount, payment and taxation as costs thereof, and repealing inconsistent legislation.

Mr. HERMAN, from the Committee on Judiciary General, reported as committed, House Bill No. 1893, (Senate Bill No. 908), entitled:

An Act to amend section seventeen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An Act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," further regulating proceedings before the register of wills and in the orphans' court.

Mr. BRETHERICK, from the Committee on Ways and Means, reported as committed, House Bill No. 1829, (Senate Bill No. 171), entitled:

An Act to further amend subsection (a) of section five hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board commission, and officers of the State government, every polit-

ical subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

Mr. BOIES, from the Committee on Ways and Means, reported as amended, House Bill No. 1403, entitled:

An Act creating a commission to be known as the State Tax Commission; defining in part its powers and duties in relation to taking over the duties of the Department of Revenue and the Board of Finance and Revenue; abolishing the Department of Revenue and the Board of Finance and Revenue of the Commonwealth of Pennsylvania and transferring to the State Tax Commission the records, property and equipment of the Department of Revenue and the Board of Finance and Revenue; authorizing the State Tax Commission to appear in and complete all pending proceedings instituted by, against or in the Department of Revenue and the Board of Finance and Revenue; providing that all decisions, orders and rules and regulations of the Department of Revenue and the Board of Finance and Revenue shall remain effective until repealed, changed or modified by the State Tax Commission; transferring and appropriating to the State Tax Commission any unexpended balance of any existing appropriation to the Department of Revenue and the Board of Finance and Revenue; defining the powers and duties of the State Tax Commission in relation to the assessment of real estate for taxation, and the ascertainment of the true market value of taxable real estate for the distribution of school subsidies, and the true value of other real estate and in relation to tax statistics and budgetary procedures.

CONFERENCE REPORT ON SENATE BILL No. 381

Mr. SCHWAB presented the report of the Committee of Conference on the part of the House on Senate Bill No. 381.

The report was read by the Clerk.

The SPEAKER. This being a Senate Bill the report will be printed by the Senate, and placed in the files of the Members of the House.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 3:30 p.m. The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 3:30 p.m.

The SPEAKER (Elmer Kilroy) in the Chair.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 464. (HOUSE BILL No. 1922).

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051) entitled, "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring

relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to Mothers' Assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by changing the residence requirement for general assistance

Referred to the Committee on Welfare.

SENATE BILL No. 637. (HOUSE BILL No. 1923).

An Act making an appropriation to the Trustees of the Pennsylvania State College for instruction and research in aeronautical engineering and for the acquisition, construction and maintenance of airport facilities as an aid to national defense and for other purposes; and empowering said trustees to enter into agreements with Federal officials or agencies with respect to the construction and use of such airports.

Referred to the Committee on Appropriations.

SENATE BILL No. 712. (HOUSE BILL No. 1924).

An Act to amend Section One and Section Two of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 899), entitled "An act establishing a State Highway in the County of Lebanon; providing for its location, construction, improvement, and maintenance by the Commonwealth," by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth.

Referred to the Committee on Highways.

SENATE BILL No. 78. (HOUSE BILL No. 1925).

An Act to amend section eight hundred one of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by further defining political parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections the Secretary of the Commonwealth and the courts.

Referred to the Committee on Elections.

SENATE BILL No. 457. (HOUSE BILL No. 1926).

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from

the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Blind; and repealing law relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by enabling the Department of Public Assistance to take measures to rehabilitate persons receiving assistance.

Referred to the Committee on Welfare.

SENATE BILL No. 796. (HOUSE BILL No. 1927).

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing Route 36174, Lancaster County.

Referred to the Committee on Highways.

SENATE BILL No. 797. (HOUSE BILL No. 1928).

An Act making an appropriation to the Department of Highways for the construction of roadways and parking areas on the premises included in the Pennsbury Memorial.

Referred to the Committee on Highways.

SENATE BILL No. 1098. (HOUSE BILL No. 1929).

An Act relating to the sale, transfer, assignment and pledge of accounts receivable and requiring the assignor of accounts receivable to make appropriate record of the fact of such assignment, and prescribing penalties for failure to do so.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1218 MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that Senate Bill No. 1218, (House Bill No. 1914), Printer's No. 508, on page 24, of today's calendar, bills on third reading, be made a special order of business immediately.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1914, (Senate Bill No. 1218), as follows:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred and forty-one and providing for certain allocations from such appropriation to the Department of the Auditor General and the Treasury Department.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven million dollars (\$7,000,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the De-

partment of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June, first one thousand nine hundred forty-one and for the payment of expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred and forty-one

Section 2 Out of the moneys appropriated by section one of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 Out of the moneys appropriated by section one of this act there shall be allocated to the Treasury Department the sum of sixty thousand dollars (\$60,000) and to the Department of the Auditor General the sum of fifteen thousand dollars (\$15,000) to pay the administrative expenses of said departments in auditing and disbursing appropriations for or relating to public assistance including any Federal funds supplementing such appropriations

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Foor,	Lyons,	Rose, W. E.,
Allmond,	French,	Malloy,	Rosenfeld,
Auker,	Gallagher,	Marks,	Royer,
Baker,	Gates,	Maxwell,	Rush,
Balthaser,	Gerard,	McClanaghan,	Sarge,
Baughner,	Gillan,	McClester,	Sarraf,
Bentley,	Gillette,	McDermott,	Scanlon,
Bentzel,	Goodwin,	McDowell,	Schwab,
Boles,	Greenwood,	McFall,	Serrill,
Boney,	Gross,	McGrath,	Shaffer,
Bower,	Gryskewicz,	McIntosh,	Shaw,
Bradley,	Gyger,	McKinney,	Shepard,
Breth,	Habbyshaw,	McLanahan,	Simons,
Bretherick,	Haberlen,	McLane,	Skale,
Brown,	Haines,	McMillen,	Snyder,
Brunner, C. H.,	Hamilton,	McSurdy,	Sorg,
Brunner, P. A.,	Hare,	Melchiorre,	Stambaugh,
Burns,	Harkins,	Mihm,	Stank,
Burris,	Harmuth,	Modell,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatherington,	Mooney,	Tarr,
Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Muir,	Thompson, R. L.,
Cook,	Hersch,	Munley,	Trout,
Cooper,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	VanAllsburg,
Corrigan,	Holland,	O'Brien,	Verona,
Croop,	Huntley,	O'Connor,	Vincent,
Cullen,	Imbrie,	O'Dare,	Vogt,
Dairymple,	James,	O'Mullen,	Voldow,
Dennison,	Jefferson,	O'Neill,	Voorhees,
DiGenova,	Jones, G. E.,	Owens,	Wagner,
Dix,	Jones, P. N.,	Petrosky,	Watkins,
Dolon,	Keenan,	Pettit,	Weingartner,
D'Ortona,	Kenehan,	Polaski,	Weiss,
Duffy,	Kline,	Polen,	Welsh, E. E.,
Early,	Knoble,	Powers,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Prosen,	Wilkinson,
Elder,	Komorowski,	Rank,	Williams,
Elliott,	Krise,	Rausch,	Winner,

Ely,
Falkenstein,
Finestone,
Finnerty,
Fisher,
Fise,
Fleming,
Fletcher,
Flynn,

Lee, E. A.,
Lee, T. H.,
Lelsey,
Leonard,
Lesko,
Levy,
Leydlc,
Lichtenwalter,
Longo,
Lovett,

Readinger,
Reagan,
Reese, D. P.,
Reese, R. E.,
Regan,
Reynolds,
Rhea,
Riley,
Rooney,
Rose, S.,

Wolf,
Wood, L. H.,
Woodring,
Woodside,
Wright,
Yeakel,
Yester,
Young,
Kilroy,
Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

PERMISSION GRANTED TO MEET DURING SESSION

Mr. PETTIT asked and obtained permission for the Committee on Highways to meet during the session of the House.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 25, 1941.

Resolved (if the Senate concur), that House Bill No. 1676, Printer's No. 776, entitled "An act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518) entitled as amended 'An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act' by defining and making further provision relative to the installation and use of 'man lift' elevators," be recalled from the Governor for the purpose of amendment.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 404

Mr. READINGER. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 404, Printer's No. 1059.

The report was read by the Clerk as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 404

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 404, entitled:

"An Act relating to marriage, and amending, revising, consolidating and changing the law relating thereto,"

Respectfully submit the following bill as our report:

JOHN M. WALKER
MONTGOMERY F. CROWE
ISRAEL STIEFEL
(Committee on the Part of the Senate.)

ALBERT S. READINGER
JOSEPH J. McINTOSH
J. PERRY ECKELS

(Committee on the part of the
House of Representatives.)

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 License Necessary to Marry No person shall be joined in marriage within this Commonwealth until a license shall have been first obtained for that purpose from the clerk of the orphans' court of the county where the marriage ceremony is to be performed or where either of the contracting parties resides A license so issued in the county wherein either of the contracting parties resides shall authorize the marriage ceremony to be performed in any county of this Commonwealth

Section 2 Application for License to Marry No license to marry shall be issued by any clerk of the orphans' court except upon written and verified application made by both of the parties intending to marry Such application shall contain a statement of (a) the full Christian name and surname of the applicants (b) the color age occupation birth place and residence of the applicants (c) the full Christian name and surname residence color occupation and birthplace of their parents including the maiden name of the mothers (d) whether the marriage is the first second or other marriage (e) that neither of the applicants is afflicted with a transmittable disease (f) that each of the parties has submitted to an examination within thirty days of the application for the license as to the existence or non-existence of syphilis and has presented a proper statement entitling him or her to a license to marry signed by a duly licensed physician and (g) such other facts as the Department of Health may deem necessary to determine whether any legal impediment to the proposed marriage exists.

Section 3 Waiting Period After Application for License No license to marry shall be issued until after three days from the day of making application therefor except in cases of emergency or extraordinary circumstances when a judge of the orphans' court may authorize the license to be issued at any time before the expiration of said three days

Section 4 Restrictions on the Issue of Marriage License No license to marry shall be issued by any clerk of the orphans' court

(a) Until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty days of the application for the marriage license has submitted to an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not in a stage of that disease which is likely to become communicable The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test and the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test

(b) Unless at least one of the applicants is identified to the satisfaction of the clerk of the orphans' court applied to for such license or unless at least one of the applications has attached thereto a certificate from the alderman magistrate or justice of the peace before whom it was taken stating that the applicant was identified to the satisfaction of such officer.

(c) If either of the applicants for a license is under the age of eighteen years except in special cases where a judge of the orphans' court shall have discretion to authorize a license to be issued by the clerk of the orphans'

court where one or both applicants are under the age of eighteen years

(d) If either of the applicants is under the age of twenty-one years unless the consent of a parent or guardian shall be personally given before the clerk or be certified under the hand of a parent or guardian attested by two adult witnesses and in the latter case the signature of the parent or guardian shall be acknowledged before an officer authorized by law to take acknowledgments When such a minor has no guardian and the judge of the orphans' court is absent or not accessible for any reason the clerk of the orphans' court or a duly appointed assistant clerk of said court may appoint a guardian pro hoc vice for such minor

(e) If either of the applicants for license is an imbecile epileptic of unsound mind or under guardianship as a person of unsound mind or as a feeble minded person

(f) If either applicant is or has been within five years preceding the time of the application an inmate of any institution for the insane or home for indigent persons unless it satisfactorily appears that the cause for such condition has been removed and that the male applicant is able to support a family

(g) If at the time of making application either of the applicants is under the influence of intoxicating liquor or narcotic drug

(h) To a person (divorced by his or her former spouse on the grounds of adultery) for the marriage of such person to the person with whom the crime of adultery was committed during the lifetime of the former husband or wife

(i) To applicants who are of kin of the degree of first cousins

(j) To applicants within the prohibited degrees of consanguinity and affinity which are as follows

Degrees of Consanguinity

A man may not marry his mother
Do do father's sister
Do do mother's sister
Do do sister
Do do daughter
Do do the daughter of his son or daughter

A woman may not marry her father
Do do father's brother
Do do mother's brother
Do do brother
Do do son
Do do the son of her son or daughter

Degrees of Affinity

A man may not marry his father's wife
Do do son's wife
Do do wife's daughter
Do do the daughter of his wife's son or daughter

A woman may not marry her mother's husband
Do do daughter's husband
Do do husband's son
Do do the son of her husband's son or daughter

Section 5 Tests for Syphilis Physician's Statement Appeals Filing (a) For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a laboratory approved to make such tests by the State Department of Health Such laboratory tests as are required to be made by this act shall on request of the physician submitting the sample and on his certificate that the applicant is unable to pay be made without charge by the State Department of Health

(b) Any applicant for a marriage license having been denied a physician's statement as required by this act shall have the right of appeal to the Department of Health of the Commonwealth of Pennsylvania for a review of the case and the said department shall after appropriate investigation issue or refuse to issue a statement in lieu of the physician's statement required by section one of this act

(c) The statements of the physician who examined the

applicant and the laboratory which made the serological test shall be uniform throughout the state and shall be upon forms provided therefor by the State Department of Health. These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses and shall be regarded as absolutely confidential by any and every person whose duty it may be to obtain, make transmit or receive such information or report.

Section 6 Examination of Applicants Each of the applicants for a marriage license shall appear in person before the clerk of the orphans' court of the county in which the license is to be issued or before an alderman, magistrate or justice of the peace of that county or of the county wherein the applicant resides.

At the time of such appearance the applicant or both of them if they appear together shall be examined under oath or affirmation as to

(a) The legality of the contemplated marriage
(b) Any prior marriage or marriages and its or their dissolution

(c) All the information required to be furnished on the application for license as prepared by the Department of Health and

(d) The restrictions set forth in section four of this act. The application or applications shall thereupon be completed in accordance with such examination and duly sworn or subscribed to by the applicant or applicants.

Upon the completion of any application or applications taken before an alderman, magistrate or justice of the peace such application or applications shall be promptly transmitted to the clerk of the orphans' court of the county in which the license is to be issued. There shall be attached to each application so forwarded a certificate of the officer before whom it was taken stating whether or not the applicant was identified to the satisfaction of such officer.

The clerk of the orphans' court wherein the license is sought when properly completed applications on behalf of each of the parties to the proposed marriage have been taken before him or duly forwarded to him by an alderman, magistrate or justice of the peace shall if there is no legal objection to the marriage grant a license. Such license shall not be granted until after three days from the date of the most recent of the two applications therefor.

The clerk of the orphans' court shall provide application blanks upon request to aldermen, magistrates and justices of the peace and also blanks for certifying the identification of applicants.

Section 7 Orphans' Court to Pass Upon Refusal of Clerk to Issue License. In those cases where the right to a license is not made to appear the clerk of the orphans' court shall refuse to issue the same. At once upon such refusal he shall certify the proceedings to the orphans' court of the county without formality or expense to the applicants for license who shall be notified by the clerk of such action.

Such application for a license to marry shall thereupon at the earliest possible time be heard by a judge of said court without a jury in court or in chambers during the term or in vacation as the case may be. The finding of the court that a license ought to issue or ought not to issue shall be final and the clerk of the orphans' court shall act in accordance therewith.

The true intent of this section is to secure for applicants a hearing before the orphans' court without affirmative action by said applicants and to give notice to them of such hearing its time and place without delay or expense.

Section 8 Recording Application and Consent Certificate. The applications for license and all consent certificates shall be immediately recorded by the clerk of the orphans' court in a book provided for that purpose at the cost of the county which shall be called the marriage license docket and which shall be a public record open to inspection or examination by the public at all times during business hours. Any person may make a copy or abstract of the entries contained in the said marriage license docket for the purpose of publication in any regularly published daily or weekly newspaper and it shall be lawful to publish said copy or abstract in any regularly pub-

lished daily or weekly newspaper printed within the Commonwealth.

Section 9 Form of Marriage Licenses Marriage Certificates. (a) The marriage license as issued by the clerk of the orphans' court shall not be valid for a longer period than sixty days from the date of issue and shall be in form substantially as follows to wit:

Commonwealth of Pennsylvania } ss No
County of

To any person authorized by law to solemnize marriage

You are hereby authorized to join together in holy state of matrimony according to the laws of the Commonwealth of Pennsylvania A B of full age and never heretofore married and C D likewise of full age and never heretofore married.

Given under my hand and seal of the orphans' court of said county of at this day of one thousand

If either of said parties is not of full age of twenty-one years then in lieu of the words "of full age" his or her age shall be stated and the fact of consent of parent or guardian shall likewise be stated and if either of said parties shall have been married previously to the issuing of such license then in lieu of the words "never previously married" the number of times he or she shall have been previously married and the mode by which said prior marriage or marriages was or were dissolved shall be stated and if by divorce the cause for which such divorce shall have been granted. If either of said parties is under the age of eighteen years and a judge of the orphans' court shall have authorized the license to be issued then in lieu of the words "of full age" his or her age shall be stated and the fact that a judge authorized the license to issue shall likewise be stated in addition to the consent of a parent or guardian.

(b) The license shall have appended to it two certificates numbered to correspond with said license (one marked original and one marked duplicate) which shall be in form substantially as follows:

I hereby certify that on the day of one thousand at and were by me united in marriage in accordance with license issued by clerk of the orphans' court of county Pennsylvania numbered

(Signed)
(Title of person solemnizing marriage)

Section 10 Forms Where Marriage Ceremony Performed by Parties to Marriage. In all cases in which the parties intend solemnizing their marriage themselves no such marriage shall take place until the clerk of the orphans' court shall certify their right so to do in a declaration in substantially the following form:

To A B and C D No

Legal evidence having been furnished to me in accordance with law this certifies that I am satisfied that there is no legal impediment to you joining yourselves together in marriage.

A B Clerk
In lieu of the certificate before set forth there shall be appended to such declaration two certificates numbered to correspond to the declaration of the clerk of the orphans' court in the following form:

We hereby certify that on the day of one thousand nine hundred and we united ourselves in marriage at in the county of having first obtained from the clerk of the orphans' court of said county a declaration numbered that he was satisfied that there was no existing legal impediment to our so doing.

A.....B.....
C.....D.....

We the undersigned were present at the solemnization of the marriage of A.....B..... and C.....D..... as set forth in the foregoing certificate

D.....E.....
E.....F.....

Section 11 Persons Qualified to Solemnize Marriages The chief justice of each justice of the Supreme Court the president judge and each judge of the Superior Court each judge of the court of common pleas judge of the orphans' court judge of a county court judge of a municipal court magistrate alderman justice of the peace mayor of any city and burgess of any borough of this Commonwealth and every minister priest or rabbi of any regularly established church or congregation is hereby authorized to solemnize marriages between such persons as produce a proper marriage license Every religious society religious institution or religious organization in this Commonwealth may join together in marriage such persons as are members of the said society institution or organization or when one of such persons is a member of such society institution or organization according to the rules and customs of the society institution or organization to which they or either of them belong

Section 12 Returns of Marriages The certificate marked "original" shall by the person solemnizing the marriage be duly signed and be given to the parties contracting the marriage and the certificate marked "duplicate" shall by the person or by a member of the religious society institution or organization solemnizing the marriage be duly signed and returned to the clerk of the orphans' court who issued the license within thirty days after the solemnizing of said marriage If the marriage was solemnized by the parties themselves the certificate marked "original" shall be signed by the parties to the marriage and be attested by two witnesses and be retained by the parties contracting the marriage and the certificate marked "duplicate" shall be signed by the parties to the marriage and be attested by the same two witnesses and be returned to the clerk of the orphans' court issuing the same within thirty days

The clerk of the orphans' court upon the reception of the "duplicate" certificate shall enter the same upon the marriage license docket with the marriage license application

Section 13 Common Law Marriages Abolished Marriages Without License Void No common law marriage may hereafter be legally entered into in this Commonwealth and all such marriages hereafter entered into shall be null and void

Section 14 Marriages Within Degrees of Consanguinity and Affinity All marriages within the prohibited degrees of consanguinity or affinity as set forth in this act are hereby declared voidable to all intents and purposes but when any of said marriages shall not have been dissolved during the life time of the parties the unlawfulness of the same shall not be inquired into after the death of either of the parties thereto

Section 15 Marriages During Existence of Former Marriage If a person during the life-time of a husband or wife with whom a marriage is in force enters into a subsequent marriage pursuant to the requirements of this act and the parties thereto live together thereafter as husband and wife and such subsequent marriage was entered into by one or both of the parties in good faith in the full belief that the former husband or wife was dead or that the former marriage had been annulled or terminated by a divorce or without knowledge of such former marriage they shall after the impediment to their marriage has been removed by death of the other party to the former marriage or by annulment or divorce if they continue to live together as husband and wife in good faith on the part of one of them be held to have been legally married from and after the removal of such impediment

Section 16 Marriage of Persons Less than Eighteen

Void Except by Special License A person less than eighteen years of age shall not have capacity to contract marriage except under authority of a license duly issued by a judge of the orphans' court pursuant to the provisions of section four clause (c) of this act Where either or both parties to a marriage are less than eighteen years of age and a license for such marriage was not secured under section four clause (c) of this act such marriage shall be null and void

Section 17 Preparation of Forms Applications for licenses to marry consent certificates statements of physicians and laboratories relative to examination for syphilis and marriage licenses shall be supplied to the clerk of the orphans' court by the county commissioners at the expense of the county and shall be uniform throughout the Commonwealth and forms thereof as prepared by the Department of Health shall from time to time be furnished to the several clerks of the orphans' courts of this Commonwealth

Section 18 Fees The fee to be charged by the clerk of the orphans' court in various counties for issuing a marriage license or declaration and for returns thereof to the Department of Health shall be two dollars and fifty cents two dollars of which shall be for the use of the clerk of the orphans' court of the county wherein such license is issued and fifty cents for the use of the Commonwealth Where either of the applicants for a license is under the age of twenty-one years and the consent of a parent or guardian is necessary as herein provided the clerk of the orphans' court shall receive for his own use an additional fee of fifty cents for recording the certificate of consent

All moneys collected by the said clerk for the use of the Commonwealth shall at the end of each month be transmitted to the State Treasurer to be placed in the general fund for the use of the Commonwealth

Section 19 Certified Copies of Records Evidence A certified copy of the record of a marriage license under the hand of the clerk of the orphans' court and the seal of said court or under the hand of the Secretary of Health and the seal of the Department of Health shall be received in all courts of this Commonwealth as prima facie evidence of said marriage between the parties therein named

Section 20 Penalties (a) Any clerk of the orphans' court who shall wilfully issue a marriage license in any manner except as provided for in this act or who shall refuse or neglect to enter upon the marriage license docket any marriage license application or any marriage license issued from his office immediately after it is issued or to enter any consent certificate or authorization of a judge of the orphans' court or shall fail to keep the marriage license docket open for inspection or examination by the public or shall prohibit or prevent any person from making a copy or abstract of the entries in the marriage license docket for the purpose of publishing the same in any regularly published daily or weekly newspaper shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs for each offense

(b) Any applicant for a marriage license physician or representative of a laboratory who shall misrepresent any of the facts described by paragraph (a) of section four of this act or any licensing officer failing to receive the statements prescribed by said paragraph or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license or any person who shall disregard the confidential character of the information or reports required by said paragraph or any other person who shall otherwise fail to comply with the provisions of said paragraph shall upon conviction thereof in a summary proceeding in the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) nor more than thirty (30) days

(c) Any person solemnizing a marriage who shall neg-

lect or refuse to return the "duplicate" certificate of marriage to the clerk of the orphans' court within thirty (30) days after the marriage was solemnized shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of fifty dollars (\$50.00) and costs

(d) If any person shall solemnize any marriage ceremony or shall be a party or an attesting witness to the same without the parties to the marriage having first obtained the proper license as provided for in this act he she or they so officiating contracting or attesting shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00)

(e) Any person who shall knowingly perform a marriage ceremony between parties when either of said parties is intoxicated shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of fifty dollars (\$50.00) or be imprisoned not exceeding sixty (60) days or both

(f) Any alderman magistrate or justice of the peace who shall knowingly insert or permit to be inserted any false statement in any application for marriage license or who shall make any false certification that the applicant named in such application was satisfactorily identified to him shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs

(g) All fines and penalties collected pursuant to this act shall be for the use of the county in which the marriage license was issued

Section 21 Statistics Each clerk of the orphans' court shall furnish the Department of Health not later than the tenth day of each month with a transcript or record of each marriage license issued and each return of the celebration of a marriage received or filed in his office during the preceding calendar month

The transcripts or records required to be furnished shall be made by the clerk of the orphans' court on forms prepared from time to time by the Department of Health and shall contain such information as the Department may require The forms so prepared shall be furnished to the clerk of the orphans' court by the county commissioners at the expense of the county

The records so furnished to the Department of Health shall be public records open to inspection during business hours The Department of Health shall from time to time compile and publish statistics from such records for public information

Section 22 Short Title This act shall be known and may be cited as the "Marriage Law"

Section 23 The following acts and parts of acts are hereby repealed as specifically indicated

Sections five six and nine of the act approved the thirteenth day of March one thousand eight hundred and fifteen (P. L. 150) entitled "An act concerning divorces" so far as supplied by this act

Section two of the act approved the tenth day of April one thousand eight hundred and forty-nine (P. L. 549) entitled "An act to prevent the killing of deer at certain season in Union county and relative to marriage certificates" absolutely

Section four of the act approved the eighth day of May one thousand eight hundred and fifty-four (P. L. 663) entitled "An act to protect certain domestic and private rights and prevent abuses in the sale and use of intoxicating drinks" absolutely

The act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled "An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry" absolutely

The act approved the twenty-third day of May one thousand eight hundred and eighty-seven (P. L. 170) entitled "An act to amend section three of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the first day of May one thousand

eight hundred and ninety-three (P. L. 27) entitled "An act to amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini one thousand eight hundred and eighty-five relating to the county wherein to secure the license" absolutely

The act approved the twenty-second day of May one thousand eight hundred and ninety-five (P. L. 99) entitled "An act requiring clerks of orphans' courts to keep marriage license dockets open for inspection by the public and allow copies or abstracts of the same to be made for publication and providing a penalty for non-compliance" absolutely

The act approved the eighteenth day of June one thousand eight hundred and ninety-five (P. L. 202) entitled "An act to amend the first section of an act entitled 'An act to amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the first day of May Anno Domini one thousand eight hundred and ninety-three relating to the county wherein to secure the license" absolutely

The act approved the twenty-fourth day of June one thousand nine hundred and one (P. L. 597) entitled "An act making it unlawful for first cousins to be joined in marriage and declaring all marriages contracted after the first day of January Anno Domini one thousand nine hundred and two in violation of this act void" absolutely

The act approved the twenty-seventh day of March one thousand nine hundred and three (P. L. 80) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and five (P. L. 58) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty five empowering notaries public to inquire of parties intending to marry touching the legality of their contemplated marriage and administer oaths to them" absolutely

The act approved the sixth day of May one thousand nine hundred and nine (P. L. 446) entitled "An act to amend the first section of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini eighteen hundred and eighty-five by increasing license fees" absolutely

The act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" absolutely

The act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 636) entitled "An act to amend section three of an act approved the twenty-third day of June one thousand eight hundred and eighty-five entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' as amended" absolutely

The act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 494) entitled "A supplement to the act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' imposing an additional license fee for the use of the Commonwealth" absolutely

The act approved the second day of May one thousand nine hundred and twenty-five (P. L. 494) entitled

"An act fixing the fee to be charged for the issuing of marriage licenses" absolutely.

The act approved the twenty-fourth day of March one thousand nine hundred and twenty-seven (P. L. 64) entitled "An act establishing the minimum marriageable age at sixteen years and providing for certain exceptions thereto" absolutely.

The act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 152) entitled "An act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled 'An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid, and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court' by requiring three days to elapse between the application for and the issuance of the license" absolutely.

The act approved the seventeenth day of May one thousand nine hundred and thirty-nine (P. L. 148) entitled "An act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties" absolutely.

All acts and parts of acts inconsistent with this act are hereby repealed.

Section 24 The provisions of this act shall become effective the first day of January one thousand nine hundred forty-two.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Allmond,	French,	Malloy,	Rosenfeld,
Auker,	Gallagher,	Marks,	Royer,
Baker,	Gates,	Maxwell,	Rush,
Balthaser,	Gerard,	McClanaghan,	Sarge,
Baughen,	Gillan,	McClester,	Sarra,
Bentley,	Gillette,	McDermott,	Scanlon,
Bentzel,	Goodwin,	McDowell,	Schwab,
Boles,	Greenwood,	McFall,	Serrill,
Boney,	Gross,	McGrath,	Shaffer,
Bower,	Gryskewicz,	McIntosh,	Shaw,
Bradley,	Gyger,	McKinney,	Shepard,
Breth,	Habbyshaw,	McLanahan,	Simons,
Bretherick,	Haberlen,	McLane,	Skale,
Brown,	Haines,	McMillen,	Snyder,
Brunner, C. H.,	Hamilton,	McSurdy,	Sorg,
Brunner, P. A.,	Hare,	Melchiorre,	Stambaugh,
Burns,	Harkins,	Mihm,	Stank,
Burriss,	Harmuth,	Modell,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatherington,	Mooney,	Tarr,
Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Muir,	Thompson, R. L.,
Cook,	Hersch,	Munley,	Trout,
Cooper,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	Van Allsburg,
Corrigan,	Holland,	O'Brien,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Vogt,
Dalrymple,	James,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Voorhees,
DiGenova,	Jones, G. E.,	Petrosky,	Wagner,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dolan,	Keenan,	Polaski,	Weingartner,
D Ortona,	Kenehan,	Polen,	Weiss,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rank,	Wilkinson,
Elder,	Komorofski,	Rausch,	Williams,
Elliot,	Krise,	Readinger,	Winner,
	Lee, E. A.,	Reagan,	Wolf,

Ely,
Falkenstein,
Finestone,
Finnerly,
Fisher,
Fiss,
Fleming,
Fletcher,
Flynn,
Foor,

Lee, T. H.,
Lelsey,
Leonard,
Lesko,
Levy,
Leydie,
Lichtenwalter,
Longo,
Lovett,
Lyons,

Reese, D. P.,
Reese, R. E.,
Regan,
Reynolds,
Rhea,
Riley,
Rooney,
Rose, S.,
Rose, W. E.,

Wood, L. H.,
Woodring,
Woodside,
Wright,
Yeakel,
Yester,
Young,
Kilroy,
Speaker.

NAYS—2

Achterman,

O'Connor,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS Nos. 1639, 1002, 990 MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 1639, Printer's No. 1055, on page 8, of today's calendar, bills on final passage; House Bill No. 1002, Printer's No. 341; and House Bill No. 990, Printer's No. 275, on page 11, of today's calendar, bills on third reading, be made a special order of business immediately.

The motion was agreed to.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1639, as follows:

An Act to further amend the title and the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" by making the schedules of compensation compulsory upon all employers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The title of the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended by the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1552) is hereby further amended to read as follows:

An Act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing [an elective] a compulsory system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties.

Section 2 The article heading of article two of said act as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) is hereby further amended to read as follows:

Article II

Damages By Action at Law Abolished

Section 3 Sections two hundred and one two hundred and two and two hundred and three of said act as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) are hereby repealed.

Section 4 Section two hundred four of said act as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) is hereby further amended to read as follows

Section 204 No agreement composition or release of damages made before the date of any accident [except the agreement defined in article three of this act] shall be valid or shall bar a claim for damages for the injury resulting therefrom and any such agreement [other than that defined in article three herein] is declared to be against the public policy of this Commonwealth. The receipt of benefits from any association society or fund shall not bar the recovery of damages by action at law nor the recovery of compensation under article three hereof and any release executed in consideration of such benefits shall be void.

Section 5 The article heading of article three subsection (a) of section three hundred and one and subsection (a) of section three hundred and two of said act as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) are hereby further amended to read as follows

Article III

[Elective] Compulsory Compensation

Section 301 (a) [When employer and employee shall by agreement either expressed or implied as hereinafter provided accept the provisions of article three of this act compensation for] In the case of personal injury to or [for] the death of [such] any employee by an accident in the course of his employment compensation shall be paid in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article provided that no compensation shall be paid when the injury or death is intentionally self inflicted or is caused by the employee's violation of law but the burden of proof of such fact shall be upon the employer

Section 302 [(a) In] The provisions of this act shall apply to every contract of hiring made after [December] [thirty-first one thousand nine hundred and fifteen] the effective date of this act and [in] to every contract of hiring renewed or extended by mutual consent expressed or implied after said date [it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless there be at the time of the making renewal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such written statement accompanied by proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such service be filed with the department within ten days after such service Every] and to every contract of hiring oral written or implied from circumstances now in operation or made or implied on or before [December thirty-first one thousand nine hundred and fifteen shall be conclusively presumed to continue subject to the provisions of article three hereof unless either party shall on or before said date in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the department a true copy of such notice together with proof of service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligation of any contract now in force or invalidate any acceptance or rejection of the provisions] [of article three of the Workmen's Compensation Act heretofore in force but such prior acceptance or rejection shall continue unimpaired under this act until notice is given as provided in section three hundred four hereof In the employment of minors article three shall be presumed to apply unless the said written notice be given by or to

the parent or guardian of the minor It shall not be lawful for any officer or agent of this Commonwealth or for any county city borough town or township therein or for any officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the provisions of this article to any employee of the Commonwealth or of such governmental agency] the effective date of this act

Section 6 Subsection (b) of section three hundred two sections three hundred three and three hundred four of said act as last re-enacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) are hereby repealed

Section 7 Section five hundred and two of said act as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) is hereby further amended to read as follows

Section 502 If any provision of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of this act [except that articles two and three are hereby declared to be inseparable and as one legislative thought and if either article be declared by such court void or inoperative in an essential part so that the whole of such article must fall the other article shall fall with it and not stand alone]

Section 8 All acts and parts of acts inconsistent herewith are hereby repealed

Section 9 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Mr. HERMAN. Mr. Speaker, I rise to speak in defense of these bills. On January 7th at the opening Session of this Legislature, our Governor, in addressing us said, inter alia, as follows:

"This Session of Legislature meets at a critical period. Our country is in the midst of a race against the clock to complete our defense program in time to protect our homes, our possessions and our civilization.

The questions which concern us are:

What can Pennsylvania do to speed up the defense program?

That problem transcends any political issues within our state.

I call upon the members of this Legislature to give that problem the unity of purpose and action which already has been urged by the President of the United States.

Until our crisis is met, political hatchets must be buried. We must have an armistice on the political battlefronts.

President Roosevelt has called upon America to become the arsenal of Democracy. To accomplish that, Pennsylvania must become the Arsenal of America.

Perhaps the most important field concerns the relation of the working man and the employer. . . ."

(After discussing four points which the changes of our law brought about, in commenting on the 1939 W. C. A. as compared to the 1937 Act, the Governor goes on and states, ". . . there may be amendments needed to the Act of 1939.")

So far as the 1939 Act is concerned I can only quote the ancient words, "Thou hast been weighed in the balance and found wanting."

I expect to hear cries that this bill and companion bills are too liberal in favor of the working man; that it will put certain employers out of business mainly due to increased insurance rates; that we are tending to stifle pri-

vate enterprise etc. To all these I answer now and hereafter:

(a) That the W. C. A. and everything relative thereto is not a business but a social problem, and must be looked upon and treated as such.

(b) In this time of "Unlimited national emergency" in our national defense where the man in the factory and the mill is just as important or even plays a greater part than the man in the uniform—and has been referred to as the first line of defense—we must treat the worker justly and in such a manner that it will generate a loyalty and enthusiasm on the part of all the citizens for our democracy as a way of life. The best way to teach patriotism is to make it worthwhile to be a patriot. You can't be patriotic on an empty stomach or lying on your back in a hospital, maimed and crippled for life without the proper means of cure or existence. So long as the breath of life remains in the human machine you cannot discard it on the junk heap and forget about it. Such a course tends to breed all other isms but Americanism.

It is labor applied to national resources which produces wealth. It is therefore urgent in this day of "unlimited national emergency" of keeping up the morale and efficiency of the civilian population.

The most outstanding elements of democracy are order and security. Unless we have security, our democracy is endangered, and by security I mean economic security. And if we are to withstand the emotional assault of other philosophies of government, we must enrich our beliefs of national approach to social living.

In my experience as Special Deputy Attorney General, assigned to Workmen's Compensation I represented claimants in a great number of cases, I have had many unpleasant moments in seeing maimed and crippled people, and unfortunate dependents in want, fighting for what is rightly due them. I have seen insurance companies, who waxed fat on the premiums which they charge, who tried hard to deprive them of their due. On the other hand I have had the pleasure of helping these unfortunate claimants receive what was justly due them.

What is workmen's compensation?

The vital principle of the workmen's compensation laws in most states is to justly compensate workers for injuries sustained in the course of employment regardless of whose fault it is.

For the benefit of those members who are not lawyers, I want to recite briefly the history of this legislation.

At common law—that is before any act was passed on the subject) the worker injured in industry had the cards stacked against him in any effort to collect damages from his employer.

First he had to prove his employer guilty of some act or omission constituting legal carelessness or "negligence," and even if he succeeded in establishing negligence on the part of his employer, any negligence or carelessness on his own part, which contributed in the slightest degree to the accident, debarred him from recovery.

In addition, he had other obstacles to overcome:

(a) The assumption of risk and rule (a man taking a job where he was faced with known dangers), was held to assume the risk of such danger and if he was injured, he received no compensation.

(b) The "fellow-servant" rule. This obliged the worker to assume the risk of a fellow worker's carelessness and

if injured, as a result, he could not recover against his employer.

Years of effort by liberal forces, eventually led in 1911 by the State of Wisconsin, to the W. C. A. Other states followed. Pennsylvania joining in 1915.

The W. C. A. did away with the need of proof of negligence, and abolished the defenses of contributory negligence, assumption of risk and the fellow-servant rule. This was the real beginning of social security legislation.

The subject of workmen's compensation law with its multifarious provisions is so broad today to try to cover it by discussion would take days, and an attempt to think of it in its entirety tends to confusion.

I shall try to point out to you in the best way I can, a few features of our law as it now stands in this Commonwealth which I think are important and which require correction. Our 1939 law specifies that the employee, for total disability, is entitled to 66⅔ per cent of his weekly wage, provided, however, that the amount is not less than \$9 nor more than \$18 per week, and does not exceed the aggregate sum of \$7500. (Although the act provides in total disability cases, compensation for 500 weeks which at the rate of \$18 per week would amount to \$9000.) And further provides that in case he earns less than \$9 weekly he shall receive as low as \$5.

For partial disability, it is specified that the employee is entitled to receive 66⅔ per cent of the difference between the earnings before and after the injury. Such compensation, however, may not exceed \$15 per week but continues for the duration of the partial disability up to a total of 300 weeks after the 7th day of disability, but Section 306 (b) says:

"The term earning power as used in this Section, shall in no case be less than the weekly amount which the employee receives after the accident."

This to my mind is an unjust and dangerous provision.

A man may return to work and receive \$25 per week out of the graciousness of a friendly employer, when actually his real earning power (or work he is able to perform), may be \$10 or \$12 per week; or take it a step further; an employer may pay an employee in a sum in excess of his earning power, beyond the period which is allowed to the claimant to petition the Board, and in this way lull the claimant into a feeling of security, and then when the statutory period has elapsed, the claimant would be unable to come in and have his earning power determined.

Another unjust and dangerous provision, which is badly in need of repair, and which we are attempting to correct, is that dealing with hernia. Section 306 (h) says:

"Hernia shall be considered as physical weakness or ailment, which ordinarily develops gradually, and shall not be compensable, unless incontrovertible proof is offered that the hernia was at once precipitated by sudden effort or severe strain and that: first, the descent of the hernia followed the cause without intervening time; second, there was actual pain in the hernial region at the time of descent; third, the above manifestations were of such severity that the same were noticed at once by the claimant, necessitating immediate cessation of work, and communicated to the employer or a representative of the employer within 48 hours after the occurrence of the accident."

The symptoms of hernia may not manifest themselves until sometime after the claimant sustained an injury, and

the fact he continues to work for a period of time after meeting with the injury without ceasing work, would act as a bar to recover under this section, is very unreasonable for they are compelling an ordinary layman to diagnose his case of hernia within 48 hours, something that I have found in my experience, physicians to be unable to do and differ in their opinion.

Another unjust provision I desire to call your attention to is section 306 (c) dealing with specific losses which needs correction, and which we are attempting to correct by this bill, such as loss of hand, arm, foot, leg, etc. I am not going to discuss the inadequacy of compensation in number of weeks, but I want to direct your attention to the definition given in the act as to these respective losses.

Let us take the Loss of Hand: Standard Dictionary: A hand is, "That part of the forelimb, in man, that is attached to the lower extremity of the forearm, (and is adapted to grasping.)" i.e. that portion of the limb between the wrist and fingers. Yet the 1939 Act says: "Amputation between the elbow and the wrist shall be considered equivalent to the loss of a hand."

Loss of Foot: Standard Dictionary: A foot is, "The part below the ankle in man"; yet the 1939 Act (law today), says: "Amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot."

Loss of Arm: Standard Dictionary: An arm is, "The upper limb of the human body from the shoulder to the hand." Yet the present law says: "Amputation at or above the elbow shall be considered the loss of an arm."

Loss of Leg: Standard Dictionary: A leg is, "In man the part of the lower limb between the knee and ankle."—(which definition fits the loss of a foot under the Act). Yet the present law says: "Amputation at or above the knee shall be considered loss of a leg." And further being worried that possibly they were too liberal, go on further to conclude the paragraph, after fixing a minimum of \$9, "... provided that if at the time of the injury the employee receives wages of less than \$9 per week, then he shall receive the full amount of such wages per week as compensation, but in no event less than \$5 per week."

A mechanic suffers an injury to an arm, he has to submit to treatment of insurance company doctors, he dare not employ his own, it is necessary to amputate. The surgeon tries to save as much of his arm as possible no matter how useless it may be thereafter. He leaves an inch below the elbow. That extra inch below the elbow entitles him to, under the present law, to the loss of a hand, and his compensation is for 175 weeks instead of 215 weeks (which should be for the loss of an arm), and receives a maximum of \$2625, instead of \$3225. Although he is crippled for life, and can no longer pursue his trade. He will never be able to be a mechanic again, he is handicapped for life, but that is all the compensation he can get.

A truck driver, roofer, painter, bricklayer, or other occupation requiring standing or walking or use of the lower limbs, suffers injury to leg, amputation one inch below the knee; he receives compensation for the loss of a foot.

In thirty-one states in the country he would have received more. In Wisconsin he would have gotten \$10,000, in New York up to \$7800, and in Ohio, even the loss of two fingers would have been called the loss of a hand if the loss of those fingers prevented him from continuing his trade or profession.

Under our present law, although the victim has to submit to treatment of the company's doctors,—if he requires hospitalization—no matter how much medical care he may need he is limited to \$150, and that for only sixty days duration following the disability. If he needs more than sixty days in the hospital, and more than \$150 for medical care, he has to pay for it himself if he can, otherwise, he becomes a public charge. If he suffers a more serious injury and he is required to spend years in the hospital under doctor's care, under the present law, after the insurance company paid \$150 in medical expenses for sixty days, he pays if he can, otherwise, the public pays. What happens if he no longer required medical care but is disabled and unfit to work and the compensation money he received is exhausted; the public pays.

As has been pointed out recently by David G. Wittels in a series of enlightening articles in the Philadelphia Record—a survey in 1937 showed that 13 per cent of injured workers had to go on relief; 38 per cent ran up debts which they could not pay for; 18 percent lived on the charity of relatives. State, city and county hospitals, supported by public funds, had to take in the injured workers. Private charities and public institutions frequently had to pay for artificial limbs and braces, because our present law which was passed in 1939 doesn't consider that as part of compensation. Under this bill and other numerous state statutes, do provide for such necessities.

In 1937 our law passed in that year remedied these conditions to such an extent that it boosted Pennsylvania from the 29th place to the second place among the states. By this bill we are trying to put forward this great industrial state of Pennsylvania where it belongs.

And further, you will hear a cry from parties in opposition that by liberalizing the act the insurance premium rates will be so high that a number of employers will refuse to come in under the Act and thus many workers will be without protection. Such fears are unfounded. Although the W. C. A. was passed for the sole benefit of the worker and his family and should be looked upon as a social matter, statistics will show (verified by a public hearing held by our Committee) that approximately 54 per cent of the premiums paid by employers of workmen's compensation insurance went to the injured worker and their families. The other 46 per cent went to padded administration costs and the profits for the insurance companies and rebates to employers. And while the insurance companies were yelling murder when the liberalized 1937 act was passed, the private insurance companies were making bigger profits than ever before. They raised their premiums as high as 43 per cent and in some cases 65 per cent yet the increased benefits paid was only a fraction over 4 per cent—all at the expense of human misery.

About 100,000 workers per year were killed or injured in Pennsylvania as a result of industrial accidents. With the defense program this number will be greatly increased. As wages and employment rise, insurance premiums rise. The insurance premium was based on a certain rate per \$100 of payroll. The bigger the payroll the more he pays for insurance. But there is a limit on how much, and for how long, the insurance company must pay the injured victim or his family. Whether the injured received \$27 per week, or with full employment and overtime, \$50, \$75, or \$100 per week—he is only entitled to receive the same amount, maximum \$18, and if he earns less he re-

ceives as low as \$5 per week. The result being, that under our present law, passed in 1939, the benefits are so small that Pennsylvania, being the second industrial state in the Union, is now the 29th in workmen's compensation benefits.

The workman who is injured or crippled for life in Pennsylvania, gets less than the workman in the neighboring states of New York, Massachusetts, Ohio, New Jersey, West Virginia.

In Massachusetts he receives \$18, New York \$25, Ohio \$18.75, West Virginia \$16, Wisconsin \$19.50, for the duration of his life.

If he is killed in Pennsylvania his family receives much less than the families of most injured men in similar jobs in those states.

For permanent injury in Pennsylvania he is limited to a maximum of \$7500 and as little as \$2500. If he is killed, his widow receives a maximum of \$11 per week for 300 weeks or top \$3300, and the widow may get as little as \$5 a week, or a total of \$1500. And if as happens in many cases the worker lingers for a long time before he dies, the widow and children get nothing, because the payments that he receives during his illness would be deducted from the compensation for death benefits.

Although under our present law passed in 1939 the benefits were cut considerably so far as the worker and his family are concerned. As the payments to the crippled and the maimed, to the widows and the orphans went down, private companies' profits went up.

Probably no piece of legislation brought before the 1937 Session or this Session of the Legislature is of greater interest to labor, industry and the general public as workmen's compensation.

When the 1937 Act was passed labor knew from bitter experience the inadequacies of the old law; industry likewise recognized the need for improvement, but did not favor all the features of the bill. And the public was interested because of the social significance of such legislation. The present law passed in 1939 put us back where we were before 1937 and therefore again needs correction.

A thorough study of the operation of the law before 1937 which applies to the present law it was found that two of every three injuries meant hardship or tragedy for the victim or his family. Between two and three million employees face exposure to death or injury at their work every day and as I stated before injury or death in Pennsylvania industry strikes 100,000 or more homes every year and that the present preparedness program that number is bound to increase. Not only a trail of broken bodies, but a trail of broken homes, exhausted savings, unpaid bills, crushing debts, greatly lowered standards of living—yes, public relief—have inevitably resulted from inadequate compensation.

Faced with this tragic records we are attempting to remedy that condition by these bills.

Under these bills, which I urge you to pass, Pennsylvania will join seventeen other states in the union in which compensation laws provide income until recovery—or for life if injury destroys earning power permanently.

As I stated before, I expect to hear the usual cry from the opposition that it will increase the insurance rates to such an extent that industry will not be able to stand it. Well we have provided for that in another bill and further to such argument my answer is industry in Pennsylvania was able to stand it under the 1937 Act. With

increase in production at the present time they surely will be able to stand it better. New York, Massachusetts, Ohio, West Virginia, and Wisconsin, with higher rates and with greater benefits can stand it, Pennsylvania with lesser rates and smaller benefits can stand it. I say to you don't take it out of the worker's life and limb, but take it out of the insurance companies that charge exorbitant rates.

The State Workmen's Insurance Fund of Pennsylvania, which takes the most undesirable risks, that which is turned down by other insurance companies, is able to earn money. Surely the private insurance company can make and are making money when they are able to choose their risks.

Before concluding, I want to call your attention to one more unjust feature of the present law, and which this bill is attempting to correct, and that is denial of compensation for the loss of any or all of the toes, and hearing of one year, which are considered of no value. What those members mean to a painter, roofer, bricklayer, fireman, football player, engineer, auto or truck driver, etc. I will leave to your common sense.

As I stated before, the worker in industry is the first line of defense in this "unlimited national emergency." It is our duty to see to it that he receives a square deal and is satisfied. He is not making unjust demands, he is only asking what is rightfully due him—protection, a reasonable and just amount of security, for himself and his dependents in case he is permanently disabled or loses his life. His demand is just and it is our duty to grant it to him.

I therefore earnestly urge every Member of this House to vote for these bills.

Mr. SHAFFER. Mr. Speaker, House Bill No. 1002 is a reenactment of the entire Workmen's Compensation Act. The Democratic party pledged itself during the 1940 Campaign to substantially restore the provisions of the Workmen's Compensation Act of 1937. This bill represents the party's effort to fulfill that pledge. Its passage will give us for the second time in the history of Pennsylvania a reasonably liberal law, judged either from the standard of the laws of neighboring states or the adequacy of protection of those injured workers and their families, who must pay the price of the dangerous efficiency of our machine age.

The amendments to the benefit features of the Act are based on a consideration of the minimum needs of the disabled worker and his family. If the employer does not take care of those needs directly through Workmen's Compensation payments, the community will be compelled to do so through higher taxation to support our charity facilities. This omits any consideration of the sound theory of Workmen's Compensation that the full cost of industrial injuries is a legitimate part of the cost of production. We know that the wreckage of machinery is a legitimate cost of production and, by the same token, we must admit that cost of human wreckage should be charged against the cost of the goods produced. In other words, the cost of Workmen's Compensation is paid by the consumer and not by the employer or the workman. This is the premise on which all compensation laws are predicated.

No one can contend successfully that our present Workmen's Compensation Act transfers the cost from the injured employee to the cost of production. For a com-

pensation system under which a considerable number of those injured must, to meet the contingency of disability, resort to such expedients as borrowing, the use of savings, and the accumulation of debts, can hardly be said to have transferred accident costs to industry. When many workers are forced to sacrifice insurance, to give up their homes and seek cheaper living quarters, or to become relief charges, it is evident that the insured and his family, or society, is paying a not inconsiderable share of the charge which compensation should have made a cost of production. House Bill No. 1002 is not suggested as being the ideal bill in this respect, but is proposed as more equitably placing the economic loss sustained where it properly belongs.

This bill is further designed to make the benefits of the Workmen's Compensation Law comparable with those applying in states of equal and lesser industrial importance. Although Pennsylvania ranks second in industrial importance, it ranks twenty-ninth among forty-six states in average liberality of Workmen's Compensation benefits. The present Act places Pennsylvania thirty-sixth in death benefits paid to widows, orphaned children and other dependents, twenty-fourth in permanent disability payments, twenty-ninth in temporary total disability benefits, and forty-second when evaluating how Pennsylvania provides medical and hospital care for the injured workman. These ratings are furnished by the National Council on Compensation Insurance, a private insurance organization. These rankings give a birds eye view of the unenviable position in which Pennsylvania is placed when her progressiveness and liberality is contrasted with that of her sister states.

Mr. Speaker and Members of the House, it may be argued that Pennsylvania should not adopt this particular bill by reason of the competitive situation with other states. If so, let us look at the rankings of our neighboring industrial states. The National Council on Compensation Insurance, using the same formula as a yardstick, rates New York second, West Virginia tenth, Illinois eleventh, Maryland twelfth, Ohio thirteenth and New Jersey nineteenth. Remembering that Pennsylvania ranks twenty-ninth, I submit to you that at the present time under our Workmen's Compensation Law the employing interests of Pennsylvania enjoy a competitive advantage over the employers in the surrounding industrial states.

Now Mr. Speaker and members of the House, with an apparent and appalling deficiency in our protection of the workmen of our great Commonwealth proven and with the competitive argument removed, what violent reason remains for Pennsylvania not to take its place with the other states with respect to compensation benefits? After all, this is but a security measure to provide security in the home for the injured, for their widows, and the orphans of those fatally injured. I submit to you that security today is as vital and necessary as ever before in the history of this Commonwealth. Security must and should be applied in Workmen's Compensation benefits in the state of Pennsylvania.

I have been talking in generalities with respect to our Workmen's Compensation Law. Perhaps, it would be well to state the proposed changes from existing law, so that everyone within hearing of my voice may judge whether this bill is unreasonable or unfair in its provisions.

Categorically House Bill No. 1002 will:—

Subject individual partners and officers of corporations to the penalties imposed in the penal sections. (Sec. 102)

Provides compensation for injuries sustained by volunteer firemen while performing any duties of their fire company. (Sec. 104-c)

Gives minors power to contract and file claims against employers and a parent employer. (Sec. 108, 205, 301-b, 305, 407)

Provides double damages if the employee's injury was caused or contributed to by his employer's violation of a safety law or regulation. (Sec. 201-d)

Requires insurance by rejecting employers against common law actions unless exempted under the provisions of the Act. (Sec. 205)

Increases the time limit for compensable death from 300 weeks to 500 weeks. (Sec. 301-c)

Changes the period for termination of the acceptance or rejection of the Act from 30 days to 60 days. (Sec. 304)

Requires employers to post a notice setting forth his compensation coverage. (Sec. 305)

Establishes penalty for fraudulent statements to department by employer and lowers penalty for failure to secure compensation liability. (Sec. 305)

Compensation for total disability—raises the absolute minimum from \$5 to \$9 per week. Provides for compensation for first seven days if disability lasts four weeks or longer. Removes the \$7,000 limitation of payments and provides for compensation in a restricted amount for life to permanently and totally disabled workmen. (Sec. 306-a)

Compensation for partial disability—Raises maximum from \$15 to \$18 per week. Provides for 400 weeks of compensation instead of 300 weeks. Protects employee against loss of partial disability payments through temporary unearned wage payments. (Sec. 306-b)

Specific Losses—Increases number of weeks of compensation paid for specific losses and disfigurement. Provides for loss of binocular vision and for loss of the great toe, first toe and second toe. (Sec. 306-c)

Medical—Increases medical and hospital attention from 60 days to 3 months and authorizes the Workmen's Compensation Board to extend this care. Provides for dental and nursing services as well as artificial appliances. Excuses employee from accepting surgical attention which might jeopardize his life. (Sec. 206-e)

Makes requirement for recovery in hernia cases the same as those of any other type of accident. (Sec. 306-h)

Provides compensation for second injuries.

Death—Increases compensation payments to widows and children. Provides compensation to children until the age of eighteen. Provides restricted compensation payments to widows for life providing remarriage does not intervene. (Sec. 307)

Changes method of calculating average weekly wage. (Sec. 309)

Enlarges time for employee notice of injury to employers from fourteen days to thirty days and deletes bar to compensation claim if notice is not given within 90 days. (Sec. 311)

Extends time for filing claims from 1 year to 2 years. (Sec. 315)

Imposes penalty for improper commutation payments. (Sec. 316)

Increases amount of compensation payable to injured

minors illegally employed from 110 per cent to double compensation. (Sec. 320).

Provides penalty for employer taking blank or incomplete agreements, and otherwise tightens the law relating thereto. (Sec. 407)

Increases time for rehearing from 1 year to 2 years. (Sec. 426)

Increases the time in which a final receipt for payment of benefits may be set aside from 2 years to 600 weeks and extends grounds upon which it may be set aside. (Sec. 434)

In short, the major extensions proposed are:—

First—Compensation payments after 500 weeks at the rate of \$30 per month for life for permanent total disability. Is there anyone who will say that \$360 per year is too much for a workman who has sustained permanent total disability. Sixteen states have a similar provision.

Second—an increase of specific loss compensation payment. Surely, no one will quarrel with the propriety of granting an increase to the maimed by industry of this state.

Third—compensation for the first seven days, if disability lasts four weeks or longer. This will bring Pennsylvania in line with the 30 states which already have a comparable provision.

Fourth—provides medical, dental, nursing and hospital care for the entire period of healing under certain proper restrictions. Eleven states limit neither time nor amount. Eleven states do not limit the amount. Twelve states have no limitation on the time. Thirteen states, of which Pennsylvania is one, limits both time and amount.

Fifth—provides compensation payments to widows for 500 weeks and then thereafter payments at the rate of \$5 per week for life or until remarriage intervenes. Six states, including New York and West Virginia, have compensation payments for the entire period of widowhood.

Sixth—compensation payments to children until they reach the age of eighteen, and until twenty-one if the child is disabled. Children should be provided for until the age for graduation from high school; hence the change from sixteen to eighteen.

Seventh—changes method of calculating average weekly wage and, thus, provides those working on a staggered or part time schedule with a minimum subsistence compensation payment.

Eighth—allows the setting aside of the final receipt within 600 weeks under certain restrictions if a recurrence of disability is proven. Today a case cannot be reopened for any reason, regardless of how meritorious, after two years from the signing of the final receipt.

When reading any of these liberalizing provisions, I am sure that the Members of this House will come to the conclusion that there is nothing provided for in this bill except a more equitable transfer of the economic loss from the employe and his family to the cost of producing the commodity or service. It cannot be said to be burdensome to the extent that it will drive industry out of Pennsylvania. It is a matter of fact that the great State of New York, which now has a Compensation Law that is comparable to that proposed in this measure, has never shown any signs of industrial deterioration because of the amount of compensation received by injured employes in that State.

The bill is well drawn. It liberalizes the Compensation Law of Pennsylvania; seeks to bring Pennsylvania up to the schedules provided in other states; and it gives no unfair competitive advantage to other states over Pennsylvania. There is no reason or logic upon which it can be said that Pennsylvania should not measure up to the standards set by other states.

Mr. Speaker and Members of the House, this measure is the voice of the disabled worker, his wife, children and other dependents pleading with Members of this House for fair treatment and much needed help in their hours of financial distress and anxiety. By your vote tonight, you will give your answer to their plea. I trust that not a single member of this House will answer "NO" to these who only ask for some measure of security in their homes against the economic distress caused by industrial accidents in our machine age.

Mr. WOODSIDE. Mr. Speaker, we have had Workmen's Compensation in Pennsylvania since 1915. Workmen's Compensation fundamentally no longer is an issue. The only question which faces us here today which has faced legislatures for some years is, what is the best Workmen's Compensation Law for the working men of Pennsylvania.

Mr. Speaker, that is the thing with which we are concerned today, and those of us who will vote against these bills will do so believing that these bills are not the best Workmen's Compensation Laws for the people and for the working men of the Commonwealth of Pennsylvania. We will vote against these laws because we believe, sincerely and truly, as a result of the analysis of the situation, that these laws are a detriment to the working men of Pennsylvania and are in no way an improvement over the present law.

I am not going to review the history of Workmen's Compensation in Pennsylvania except to state that for twenty-five years with the exception of 1928, when it practically broke down, we have had effective Workmen's Compensation in Pennsylvania. But what happened when the Act of 1937 was passed? We had an act which was adopted by a Democratic House and Senate and approved by the Democratic party, which was drafted by those who did not know the real problems of Workmen's Compensation and were not thoroughly interested in the real problem of Workmen's Compensation.

Reviewing that bill and reviewing the history that followed, one can come to no other conclusion than it was passed for political purposes primarily, rather than for the best interests of the working men of Pennsylvania.

What happened under the Act of 1937? True you increased the benefits written on the pages of the book, but Mr. Speaker, we don't want a Workmen's Compensation Act which has glittering promises from the pages of the book unless it can be transferred into coin of the realm in the pockets of the injured man. It doesn't matter what we write into the statute books if it doesn't result in benefit to the working man. What is the difference what we put on those books, what is the difference what figures we use in the bills that we adopt in this House of Representatives, if it is not translated into dollars and cents in the pockets of the injured men and women of Pennsylvania and the dependents of those who are killed.

What happened under the Act of 1937? You have had

so many rejections that they had to employ girls over in the Department to walk between the files of over 300,000 men in the Commonwealth of Pennsylvania who were not under the Workmen's Compensation Law.

But even that is not half the story, because among those 300,000 men were the men who were engaged in the most hazardous occupations in the Commonwealth of Pennsylvania and those who suffered the greater part of the injuries. So when you take out 300,000 men, you take out not only a small percentage of the injured men of Pennsylvania, but you take out very nearly half of the injured people of Pennsylvania who are being pulled out from under the Workmen's Compensation Act, as a result of the Act of 1937. Rejection of the act was practically unknown until 1937 and those people were protected by workmen's compensation until that time, and then one after another the industries began to come in and reject, all of your big industries, your hazardous industries rejected the Workmen's Compensation Act. I venture to say that had it remained on the statute books another two years there would not have been one hazardous industry in Pennsylvania whose men would have had Workmen's Compensation. They just waited, hoping that there would be some relief to the situation.

Industry is willing to submit, is anxious to submit to a proper and reasonable Workmen's Compensation Act, but when that act was taken into court it was declared unconstitutional in a number of instances. It was very poorly drawn; it was drawn by those who did not understand or appreciate the problems of the workmen's compensation situation, and the Supreme Court speaking through that now recognized liberal, Justice Maxey, had this to say:

"A Workmen's Compensation Law which meets the test of reasonableness in compensation as between the employe who receives and the employer who pays is one of the most socially beneficent enactments which statesmanship is capable of producing. On the other hand, a Workmen's Compensation Law which places upon any industry a burden so crushing that it makes that industry's existence either impossible or, to its owners, economically undesirable, is a measure which the workmen themselves should emphatically condemn and reject, for it paralyzes the very activities on which their economic well-being depends. Unprofitable industries soon become idle industries; idle industries mean idle capital, and in all ages and countries, idle capital has always meant idle men."

Mr. Speaker, reference has been made here to the interests of the workingmen and in the number of cases which are contested, and I have something here which I think is compelling evidence to illustrate most vividly that the proponents of the 1937 Act were not really the friends of labor that they professed to be.

"In 1935 and 1936, the administration of our competitive State Workmen's Insurance Fund was under the control of those who fostered the 1937 Workmen's Compensation Law, and who held themselves up as the sole friends of labor in Pennsylvania. For these two years, 1935 and 1936, the State Workmen's Insurance Fund contested 1600 claims before the compensation referees. For the period from July 1, 1939 to May 1, 1941, the State Fund contested only 817 claims. By extending this to the full two years for comparison purposes, and using for the months of May and June, 1941, the monthly average for the preceding 12 months, we get a figure of 887 contested cases compared to the 1600 for a comparable

period under the Earle Administration. Who is really concerned with the welfare of the injured employe?

"The present Workmen's Compensation Board inherited 624 appeals from the previous Board and has had assigned to it 3,200 appeals making a total of 3,824. Of these appeals only 341 remain to be heard and adjudicated."

This is truly an outstanding achievement and shows how prompt and efficient have been those now looking after the interests of our workingmen, and shows the interest that the present administration has in the Workmen's Compensation law.

Mr. Speaker, there is more to an act than what is merely written on the books. Questions of administration are concerned, and I have here a considerable amount of information which I would like to read concerning the administration of workmen's compensation in the Commonwealth of Pennsylvania compared particularly to the state of Ohio and the state of West Virginia. Those two states were chosen because at the time of the hearing those two states were injected into it by the proponents of these bills. I venture to say, Mr. Speaker, that if any labor unions, if any laboring man, if any true friend of labor were offered this moment to exchange the law of the Commonwealth of Pennsylvania for the law of either Ohio or West Virginia it would not take ten seconds for him to answer it and say "No."

I am not going to read all the information concerning this, but I am going to ask permission of the House to insert it into the records because it is a long list of comparative tabulations in connection with that subject.

Mr. Speaker, we have a situation in Pennsylvania that is somewhat different—not somewhat, but entirely different from that of any other state in the Union. We have here a great coal industry; it is a sick industry. Now, Mr. Speaker, we want a Workmen's Compensation law that will be for the best interests of the working men of Pennsylvania, but we do not want a law which will be of slight advantage to some workingmen of this Commonwealth and which will be a tremendous detriment and a tragedy to another large bloc of the workingmen of this Commonwealth, and that is what happened under the act of 1937, and that is what would happen if you would adopt these acts at the present time.

Let us take an example as to whether industry can stand this or not. Well, you have some clerks, some stenographers. Increase their benefits 100 per cent, 200 per cent or even 300 per cent, and you can stand it. The lawyer who employs them or the business man who employs them could stand the increased cost which would amount to a very, very small percentage of the total amount that he has to pay for the combination of wages, and other insurance or the payment of the workmen's compensation if he should be a self insurer. Take some manufacturing concern with a rate as low as thirty-eight cents on \$100. You increase it 50 per cent, that is the benefits, and what do you do? Why, if you increase it 100 per cent you only increase it one-third of one per cent of his payroll. That would be no problem. But on the other hand take the coal industry or any of the other hazardous or heavy industries and you increase your compensation costs 100 per cent, and that is approximately what this bill does, and you increase the combination of expense on your payroll and workmen's com-

pensation by as high as 12 per cent, or thirty-six times as much as in the other industries which are far less hazardous.

There is your problem, and that is why your situation in Pennsylvania is so much different than the situation in other states. I cannot help but think of a comparison with a thing that is going on at the present time, and so vital to the welfare of the world; convoys are being organized, taken around Bermuda, from Bermuda over to England, and as those convoys go along they cannot travel faster than the slowest ship in the convoy. Oh yes, they can go on and disrupt the convoy. Probably it would help the faster boats a little bit if they could move a little faster, but it would be a tragedy to the boats that are left behind. And so it is with Workmen's Compensation; you can move along no faster with Workmen's Compensation than the big, heavy, hazardous industries can travel along with you, and that is why in Pennsylvania with our anthracite coal industry, which is a very hazardous industry, we cannot move with as much abandon in Workmen's Compensation rates as we could if we did not have that situation.

We have heard a lot of talk about Pennsylvania being twenty-seventh or twenty-ninth, whatever it is, and being brought up to second place. Well, this group that sets forth that Pennsylvania rates pretty far down the line has this to say concerning the rating:

"The index numbers shown are subject to qualification and limitation because of the many elements entering into the computations which are not subject to exact mathematical valuation. In addition, the index of costs under the "Total", is a weighted average and is correct in a general way only. The distribution of accidents by type of injury varies between states and will therefore be somewhat different in each case from the national distribution or from the distribution of any other set of weights which might be used to obtain an average. For these reasons the index numbers on this table cannot be interpreted as representing without qualification a mathematically exact comparison of the benefits provisions of the various compensation acts. Accordingly when using this table or quoting therefrom, it is essential to realize its limitations."

I made mention a little while ago, Mr. Speaker, that I did not think any working man in Pennsylvania who is familiar with the situation would be willing to trade the Pennsylvania law, which according to the statement of these people, rates about twenty-seventh, for the compensation law of Ohio, which is rated much further up the list, or with the compensation law of West Virginia, which also is rated much further up the list. In Ohio, there are a lot of people who are not covered by workmen's compensation at all. Think of that, Members of the House, people that are not covered at all! Why? Because they happen to be working for some person who is employing less than three people, and they are outside of all workmen's compensation.

Over in West Virginia, they have some rule under which, if the employer does not pay into the fund, the employee does not get paid. There are a lot of examples like that in these various states which limit the amount of compensation, or rather limit the number of worthy people who are entitled to compensation. If you make this law too strict, what will happen? If you make it as it was in the act of 1937, I might mention the fact that there were \$00,000 working men who were not under the act because

of rejections. And that is not nearly all the story. I know from my own practice, in spite of the fact that I have always made every effort to force or persuade everybody who came to me concerning workmen's compensation to take no steps whatever to avoid the act, yet in spite of that, in my experience in my own little community,—and I am sure you lawyers have had many similar examples of people who formed partnerships in order that they can get out of carrying workmen's compensation, or others who employed one person, and employed that person part-time, or discharge them entirely so that they would not have to pay workmen's compensation, or people who disregarded the law entirely, or people who entered into contractual relationship and tried by all means to make their relationship a contractual one that would not be subject to workmen's compensation.

All those things are the result of the 1937 act. Now, before coming back under it again, there are very few rejections any more, and the people are subjecting themselves to the Workmen's Compensation Act as they should and as we should want them to do.

There is another matter that I think is important in considering Pennsylvania's rating or standing in workmen's compensation, and I repeat that the Workmen's Compensation Law, as it exists today, is the best Workmen's Compensation Law for Pennsylvania that Pennsylvania ever had, and possibly with a few minor amendments, is the best possible Workmen's Compensation Law for the workmen of Pennsylvania that it would be possible for us to enact into law.

Let us look and compare it as to the scope of its coverage. It applies to all employment except domestic, agricultural and casual workers. Many of these compensation laws apply only to hazardous or extra hazardous occupations, and the Ohio law applies only when an employer has three or more employees. Our law stands second to none in the nature of the accidents covered. Most of these laws apply only to accidents which occur in the course of employment and arise out of the employment, and this is so in Ohio. Some will say this is not of great importance, but I tell you it is extremely important to the injured. Our act, under section 301 Class A covers all accidents occurring in the course of employment, unless self inflicted or caused by the employees' violation of the law. The accident need not arise out of the employment. For instance, the employee may leave his work bench temporarily and be injured while visiting his fellow workers or be injured while engaging in horseplay or some sportive act.

Under most of the laws of the country, in these states that are rated high they would not get compensation but in Pennsylvania they do. I could go on and cite a number of examples here, but due to the time of the day I am going to forego that at the present time.

There is something interesting that happened concerning these workmen's compensation bills that are before us. Up until the 24th day of June these bills were not prepared for final passage. Up until that time the Members on that side of the House had these Workmen's Compensation bills on the calendar along with two others which were sent back to the committee, and I think there is something significant in this; I think we can come to no other conclusion than this, that the gentlemen on the other side who were sincerely dealing with this problem realized and understood that they could not go before the people of

Pennsylvania with a re-enactment of the 1937 law and convince the workmen that they were doing something for them, so they conceived the idea of having a compulsory fund. They put three bills in this legislature and put them on the floor of the House and held them there for a number of weeks.

It was shown, I think conclusively and to the satisfaction of the majority of the gentlemen on the other side, and if you want to see the record on that I ask you to refer to the Journal where Senator Wade answered the remarks of Senator Shapiro on the floor of the Senate a number of weeks ago. I think you gentlemen realize that the Communistic move you are about to make to compel a compulsory state fund to carry all of the workmen's compensation insurance is not sound and the real problem is not the profits of the Workmen's Compensation insurance companies. I am not going to go into that debate,—it could be argued for hours, but I say again those of you who want to know the answer to that problem should refer to the remarks of the gentleman from Philadelphia, Mr. Shapiro and the answers given to them by the gentleman from Cumberland, Mr. Wade in the Senate. But you sent those bills back; you gave up the idea. Just yesterday I think it was, or the day before, you realized that you had to do something else, so then you amended a bill rather, to provide for compulsory workmen's compensation. Then you say, "Oh, everything you say about rejection is out the window. This is now a compulsory fund, and it cannot be rejected." Gentlemen, I have read you a part of the Supreme Court's decision relative to workmen's compensation. I should not have to read that to you in order to convince you that a workmen's compensation law must be reasonable. If you pass a law which means extended litigation by each particular type concerned to determine whether the law is reasonable to them or not, you are creating chaos in Pennsylvania that will be much worse than that which was created by the Act of 1937.

That is the thing, Mr. Speaker, which you are doing if you adopt the present bill which is now before us, as well as House Bill 1002, on which we will vote in a few minutes. Mr. Speaker, I think the best evidence of the real feeling of the gentlemen on the other side is if they thought that the Senate would pass this bill, they would not send it to them. I do not feel that you gentlemen on the other side would take this chance of having this compulsory bill enacted into law. Why? You wouldn't do it in 1937 when you had control of the House and the Senate and the Governorship. You talked about it, you mentioned it, you discussed it, you had conferences about it, but you would not do it, because you were afraid to take the chance. You realized then that it was not for the best interests of the workmen of Pennsylvania, and Mr. Speaker, I sincerely believe you realize today that it is not for the best interests of the workmen of Pennsylvania and you would not enact it into law if you felt it were to be passed by the Senate.

We should have been out of here two months ago, but here we are with these bills on the twenty-fourth day of June,—you are submitting a workmen's compensation program which is not in satisfactory form for enactment into law at the present time.

Mr. Speaker, there is a lot in connection with this workmen's compensation that I would like to debate and dis-

cuss, but the hour is late and I apologize for taking as much time as I have. I will ask permission to insert in the record some of the comparisons which I have here but have not read.

The SPEAKER. Will the House give its unanimous consent to the gentleman from Dauphin, Mr. Woodside, to extend his remarks on the record? The Chair hears no objection.

EXTENDED REMARKS OF MR. WOODSIDE

Mr. WOODSIDE. Mr. Speaker, I want to make a few observations of the operations of the West Virginia Law and its Fund. There, if the employer is delinquent for as much as thirty (30) days in the payment of the premium, he and his employees are automatically removed from the protection of the Compensation Law and the Fund is not responsible for payment of injuries that occur after this delinquency. And, if you please, the employer is not responsible. If the employer fails to pay the premium it is his injured workers who suffer. Needless to say, under the Pennsylvania system the payment of the premium to the carrier has never been a precedent to the carrier's liability for the payment of compensation benefits. Under our Law, the employer is subject to penalties of fine and imprisonment for failure to insure or self-insure. While the Ohio benefits are in some respects higher and in other lower than those in Pennsylvania, the West Virginia benefits are distinctly less. I heard it said before the Committee on Workmen's Compensation at the public hearing that the death benefits to a widow and three children in Pennsylvania payable over a period of eight years, would pay the benefits under the West Virginia Law for a period of twelve years; and I shall later prove it. Yet, some people have the gall to hold up these Ohio and West Virginia Laws as models and ask us to sell the Pennsylvania workers 'down the river' by adopting a similar communistic or totalitarian law.

It was stated at the public hearing on this bill that the Pennsylvania Law stands twenty-ninth on the list in liberality when compared with the other States. I say to you that these laws differ so widely in their provisions that there is no adequate basis of comparison. You can place Pennsylvania first or twenty-ninth depending upon the yardstick used; the same is true of any other state statute. At the public hearing, some of the provisions of the Ohio Compensation Law were stressed and I got the impression that this was intended to influence the Committee to use that law as a pattern. That law was held up as being more liberal than our present statute. It is more liberal in some respects and more restricted in other respects and that same statement can be made with reference to West Virginia and any other state compensation law.

Our Law would certainly be near the top in any comparison of the scope of its coverage, for it applies to all employments except domestic, agriculture and casual workers. Many of these compensation laws apply only to hazardous or extra-hazardous occupations, and the Ohio Law applies only when an employer has three or more employees.

Our Law stands second to none in the nature of the accidents covered. Most of these laws apply only to accidents which occur both in the course of employment and arise out of the employment; and this is so in Ohio. Some will

say that this is not of great importance, but I tell you it is extremely important to the injured. Our Act, under Section 301 (a), covers all accidents occurring in the course of employment, unless self-inflicted or caused by the employes' violation of the law. The accident need not arise out of the employment. For instance, the employe may leave his workbench temporarily and be injured while visiting his fellow-worker, or be injured while engaging in horseplay or some sportive act. Under such instances he would in Pennsylvania be compensated, while in Ohio there would immediately arise a question whether or not the accident arose out of the employment. That limited definition in Ohio and some forty other state laws encourages controversy and many thousand Appellate Court decisions are reported—all on the question of whether the accident arose out of the employment. The Pennsylvania Act, in this respect, carries a broad definition of the accidents covered in order to eliminate controversy and assure compensation for injuries occurring, "in the course of employment." Therefore, our law covers accidents which are unexplained; those resulting from dog or insect bites; heat stroke; sun stroke, and thousands of others which do not arise out of the employment.

Why, under the Ohio Law, police and firemen are covered only to the extent that municipal pension does not equal the compensation payable (Sections 1465-61). The Pennsylvania Act, under Section 204, specifically provides that the receipt of benefits from any association, society or fund shall not bar the recovery of compensation and any releases executed in consideration of such benefits shall be void.

The Pennsylvania Act has a simple and forthright definition of the term "injury" in Section 301 (c). It is defined to mean, "violence to the physical structure of the body, and such disease or infection as naturally results therefrom." The definition of "injury" in the Ohio Law is comparable to that of the Pennsylvania Law, but examine some of the other state laws which have been classed as more liberal than Pennsylvania and see what limitations they place on the injuries covered. The statutes of the State of Washington, with its Monopolistic State Fund, which is supposed to be near the top in point of liberality, applies only to hazardous employments and defines the term "injury" to mean, "a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical condition as results therefrom." As our Supreme Court observed in one case, you don't need a battery to suffer a compensable injury in Pennsylvania as you do under some of these so-called liberal compensation statutes.

We have heard a good deal about the method of computing the average weekly wage for compensation purposes. Do you know that in Ohio, compensation for temporary disability is based on the full weekly wage at the time of the injury, but for death and permanent disability claims, the average wage for the year preceding the injury is used (Section 1465-84). Now, under the Pennsylvania Law the employe is given the advantage of a weekly wage based on his greatest earnings in any quarter of the year preceding the date of injury (Section 309).

The maximum weekly disability benefits under the Ohio Law is \$18.75; West Virginia, \$16.00 and Pennsylvania, \$18.00. In this respect, there is not a great deal

of difference between the Ohio and Pennsylvania statutes. The benefits for total permanent disability in Ohio continue for life; while in Pennsylvania they continue for 500 weeks, approximately 10 years with a maximum of \$7500. However, benefits in Ohio for some other types of injuries are less than in Pennsylvania. For instance, in Ohio the maximum compensation payable for temporary total disability is \$3750 (Sections 1465-79), the period over which this compensation is payable is limited to six years. Compensation for such disability in Pennsylvania may continue for any part of the 500 weeks not to exceed \$7500.

There are, of course, many more cases of permanent injury to the members of the body than there are injuries resulting in permanent total disability. The Compensation Acts of Ohio and Pennsylvania compare favorably with each other for specific injuries. The Pennsylvania Laws, perhaps, are a little more liberal than the Ohio Act in this respect. I will try to give you a fair appraisal of these two Acts. For injuries resulting in the loss of members, the period specified by Ohio begins to run after the healing period or the temporary disability allowed. With this qualification, here is a comparison of the specific losses:

Loss of a Hand	Pennsylvania	175 weeks
	Ohio	165 "
Loss of an Arm	Pennsylvania	215 "
	Ohio	215 "
Loss of a Foot	Pennsylvania	150 "
	Ohio	150 "
Loss of a Leg	Pennsylvania	215 "
	Ohio	190 "
Loss of Index Finger	Pennsylvania	35 "
	Ohio	35 "
Loss of a Thumb	Pennsylvania	60 "
	Ohio	60 "

Under the Ohio Law, the loss of the distal or third phalange of a finger shall be considered as the loss of one-third of the finger; in Pennsylvania, it is considered the loss of one-half the finger. The loss of the middle and distal phalanges of any finger is considered equivalent to the loss of two-thirds of such finger, under the Ohio Law; while under the Pennsylvania Act, the loss of the distal phalange and any part of the middle phalange is equivalent to the loss of the whole finger (Sections 1465-80 of the Ohio Law and Section 306 (c) of the Pennsylvania Law).

At the public hearing on this bill, it seems that one member of the Committee was under the impression that in Pennsylvania an employe is obliged to have an amputation at the elbow before he could be compensated for the loss of a hand. Our Act provides, under Section 306 (c), that any amputation between the wrist and the elbow shall be compensated for a period of 175 weeks, and it goes further and provides that the permanent loss of use of a member shall be considered as the equivalent to the loss of such member. There is no such comparable provision in the Ohio Law. Under this provision of the Pennsylvania Act, because of amputation of some of the fingers or other serious permanent impairment of the hand, compensation is frequently given for the loss of use of the hand or other injured member when there has, in fact, been no actual amputation.

Under our Law, the question of whether or not an in-

jury to the hand or fingers has resulted in the permanent loss of use of the hand is a matter for determination by the Compensation Board. Compensation has been awarded for the loss of use of the hand where the injury was confined to amputation of thumb, index and middle fingers (*Jones v. Heintz Mfg.*, 104 Superior 30). So, that under our Law there need be no injury to the palm of the hand, the metacarpal bones or wrist for the claimant to secure compensation for a period of 175 weeks for the loss of use of the hand.

Continuing the comparison of our present Law with the Ohio Law a little further, let us consider the benefits provided for fatal injuries. Under Section 1465-82 of the Ohio Law, death must follow within two years from the date of injury unless disability has been continuous from the injury to the time of death; whereas, under the Pennsylvania Law, if death results from the injury at any time within 300 weeks thereafter, death benefits must be paid. The maximum compensation payable in any death case in Ohio is \$6500 including the compensation that might have been paid during the period of disability. Under the Ohio Act, this is paid over a period not to exceed 8 years, but this 8 year period does not mean 8 years following the death, for the 8 years must be calculated from the "date of injury." Under the Pennsylvania Law, where there is a surviving widow and no minor children, compensation is payable for a period of 300 weeks and if there are minor children, compensation continues on behalf of the minors until they reach the age of 16 years; the Ohio Law has no comparable provision for the payment of compensation until the minors reach the age of 16. There, all compensation for death ceases 8 years after the date of the accident. The maximum weekly rate for death in Ohio is \$18.75; while the maximum in Pennsylvania for a widow and three or more children is \$18 per week. The maximum to a widow with no minor children is \$11 per week.

Since West Virginia compensates dependent widows for life or until remarriage, and inasmuch as the representative from West Virginia testified before the House Committee, it would be interesting, I think, to make a comparison of the death benefits in Pennsylvania with those of West Virginia. Under Article 4, Section 10-D of the West Virginia Law, the dependent widow receives \$30 per month and \$5 per month for each child while under the age of 16. Let us take for example the case of a widow and three children ages 8, 9 and 10 years at the time of death. The compensation in West Virginia would be \$45 per month, or \$10.39 per week. At the end of 6 years, when the oldest child reached the age of 16, these dependents would collect a total of \$3,240. Under Section 307-4½ of the Pennsylvania Act, these same dependents would collect during that period of 300 weeks, \$18 per week or \$5,400; that is \$2,360 more than was paid in West Virginia. After an elapse of 8 years, at which time the youngest child would be 16, the total compensation paid in Pennsylvania would amount to \$6,016.21; while in West Virginia it would be \$4,095.00. This excess of \$1,921 paid in Pennsylvania would continue to pay the widow's death benefits in West Virginia at the rate of \$30 per month for an additional 64 months, or 5 years and 4 months. In Pennsylvania, payments on this case over a period of 8 years would take care of the full West Virginia liability for a period of 13 years and 4

months. I wonder if the payments to the average widow in West Virginia exceeds 13 years. I am informed that throughout the years of the West Virginia Law, payments have terminated to some 3500 widows on account of death or remarriage and that the average duration of the payments was 9 years.

Continuing the comparison of death benefits of Pennsylvania with those of West Virginia; under Article 4, Section 10 of the West Virginia Law, where there is no surviving widow but a dependent child, this child would get \$10 per month until 16 years of age. If the child were aged 10 at the time of death, the compensation payable until 16 would be 72 months at \$10 per month, or \$720. In Pennsylvania, under Section 307-1 (a), this minor child would be paid \$6 per week or \$312 per year, a total of \$1872—about 2½ times as much as the West Virginia benefits.

Now, look at the situation of dependent parents under the West Virginia Law. Where there is neither widow nor child, a wholly dependent parent may receive 50 per cent of the average monthly support actually received from the deceased employe during the preceding 12 months not to exceed \$20 per month (Article 4, Section 10). If wholly dependent, this is paid for 6 years, and if partially dependent, for such portion of 6 years as the Commission shall determine. You will observe that the dependent does not receive a percentage of the employe's wage, but only a percentage of the actual support received. Awards under this provision cannot be other than niggardly. Under the most favorable circumstances, a wholly dependent parent could not collect more than \$1440, compared to the maximum \$3,000 for a similar case in Pennsylvania. A partially dependent parent in Pennsylvania receives 25 per cent of the wage not to exceed \$5 per week or \$1500; while in West Virginia, the compensation is 50 per cent of the actual support received. The Commission has authority to award this compensation for any part of 6 years that the facts seem to warrant not to exceed, however, \$1440 (Article 4, Section 10-f). For example, assume that the parent received from the deceased \$20 per month during the year preceding the accident, the Commission could award 50 per cent of this, or \$10 per month and if they awarded it for the full 6 years, it would amount to only \$720. The minimum for such a case in Pennsylvania is \$1500.

In the charts which were exhibited at the hearing, Pennsylvania was listed twenty-ninth, we find the West Virginia Law is supposed to be tenth in the liberality of this legislation. Ohio seems to be fourteenth. Ohio, according to Mr. Evans of the Ohio Fund, who testified before the Committee, requires a premium rate of \$8.50 per hundred dollars of payroll for electric mining and \$11 for non-electric mining to pay the compensation benefits for coal mining accidents. I think he said about 98 per cent of this premium was used for the payment of losses. Pennsylvania requires \$7.50 in bituminous mining and \$13.50 for anthracite mining, and the experience over the last ten years indicates that substantially all of this premium was used for payment of actual benefits excluding overhead. Now, West Virginia requires only \$3.50 per hundred dollars of payroll to pay their mine accident cases. When you examine the West Virginia Law, it is quite apparent why the premium rate is low. Of course, their maximum weekly rate if but \$16 compared to \$18

in Pennsylvania and \$18.75 in Ohio, but that tells only a small part of the story.

Mr. LEVY. Mr. Speaker, the gentleman from Dauphin has covered so much territory relative to workmen's compensation that I was not at all surprised in his closing remarks that he reached as far as Communist Russia. I want to say to the gentleman on the other side it almost becomes a tribute to the Democratic party, in the majority in the House of Representatives, if we can say conscientiously to the people of Pennsylvania that we labored for five months on a workmen's compensation plan. Further, Mr. Speaker, I want to warn the members of the House not to be misled by the contradictory remarks of the minority floor-leader or by the quotations from the Honorable Justice of the Supreme Court in 1937 or 1938.

Why did he not, gentlemen of the House, stick to his question which he put originally when he opened his remarks? The gentleman said we are not concerned with a workmen's compensation law because we have such a law enacted in 1915, and he further adds that it naturally follows that the only question that is left before the Legislature is what is the best workmen's compensation law for the working men of Pennsylvania.

I believe that the minority leader should have followed that question and answered it. Certainly he didn't mean to infer to the membership of this House that the 1939 Act was the best Workmen's Compensation Act for the working men of Pennsylvania. And when he infers that thousands upon thousands of working people are satisfied under the 1939 Act, that statement is not true. Thousands upon thousands of the working people in Pennsylvania detest the Act of 1939. Many of the men in the House of Representatives and in the entire General Assembly know that that was written by the former chairman of the Workmen's Compensation Committee in this House who at the same time was counsel for self-insurers in Pennsylvania.

I ask you then, Mr. Speaker, with this knowledge in mind, how can the minority floor-leader say that the 1939 Act was the answer for the working people of Pennsylvania? On the contrary, in 1937, we of the Democratic party wrote into law a liberal workmen's compensation bill, and I, as a member of this House, and a member in the session today, am not ashamed to say that I voted for the act then and I am willing to vote for House Bill 1002 now, and contrary to what the minority floor-leader said, the Supreme Court never decided on the reasonableness of rates, and today in Pennsylvania the workingman in the Commonwealth does not yet know what rates are reasonable and what rates are not.

In that case before the Supreme Court, they struck certain sections out of the bill which they declared to be unconstitutional, but if the gentleman from Dauphin will recall, and I know he will, the Supreme Court then sent the entire bill back to the lower court in Dauphin County to be reviewed on the question of fact as to whether or not those rates were reasonable.

But, Mr. Speaker, what happened? Just as soon as the bill went back to the lower court—and the bill lay there dormant for many months—the Republican controlled legislature in 1939 passed the 1939 amendments to the 1937 bill materially reducing the benefits in Pennsylvania, and naturally reducing the rates, and as a consequence the

bill from the Supreme Court still nestles in the arms of the lower court.

I say to the minority floor-leader that neither he nor anyone else in the Commonwealth of Pennsylvania can determine whether those rates today are reasonable or unreasonable because the court has not acted upon it. It naturally follows, Mr. Speaker, what then is the difference in opinion between the Republican party and the Democratic party on workmen's compensation? The minority floor-leader challenged the Democratic party. In effect he said "You are not acting in the best interest of the laboring men of Pennsylvania by the introduction of bills of this kind." I say to him and I say to the Republican membership of this House that if the introduction and passage of House Bill 1002 is not giving the workman back what he legitimately deserves then I don't know how to write a piece of legislation. The minority floor-leader says the rates were too high, that industry could not cope with the new liberal law. We have debated that subject in our party and we have finally determined that the way to remedy that situation, if such a situation is true, is the bill on second reading in the House today, which I hope will finally be passed this week, a bill which will give to the workmen's compensation law a reduction in rates through a normal and legitimate procedure, and I refer to Senate Bill 236 introduced by the honorable gentleman from Westmoreland, Mr. Dent, in the Senate and which was reported out on this floor and is today in position for second reading as amended.

Now, what can be the answer of the minority floor-leader, when you not only have given to the working people of Pennsylvania a revised and increased benefit in the form of House Bill 1002, and we say in the same breath that this bill is workable, this bill is practical, because we give you along with it Senate Bill 236 which will drive rates under an increased benefit act down to where industry can afford to pay.

I would then ask the gentleman from Dauphin whether he has caucused with his party, and whether they intend to vote for a plan by which rates will be reduced. I say to you, Mr. Speaker, that in these two bills at least we have a plan and a policy which we can forward to the working people of Pennsylvania as a forthright and legitimate plan to get better compensation for the working people.

I also want to say to the members of the House that House Bill 1002, notwithstanding the remarks of the gentleman from Dauphin, is a good piece of legislation, and I cannot agree with him when he says it is just a difference in figures. The 1939 act and the act which we intend to pass in this House today is not a difference in figures; it is a difference between looking at this problem in a business-like manner, a cold hard one of looking at figures, and a social problem in which direction this bill should be looked at. I say to the gentleman from Dauphin he certainly would not call unemployment compensation and social security matters for insurance companies to make thousands and thousands of dollars out of in the ensuing years. I say in the same breath that workmen's compensation as created in 1935 in the Commonwealth of Pennsylvania was created as a social problem, as a social betterment for the hard working laboring man who uses his hands every day of the week and is in jeopardy of loss of life and limb.

So I say to the men on the other side of the House it is time you woke up to the fact that this Workmen's Compensation bill is a social bill; it is an economic bill; it is a bill that requires a little of human heart rather than cold figures. I ask every member of the House to vote for House Bill 1002.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WALTER E. ROSE. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Cambria will state his question of parliamentary inquiry.

Mr. WALTER E. ROSE. Mr. Speaker, are we not now proceeding under the motion to make House Bill 1639, House Bill 1002, and House Bill 990 a special order of business in their separate order?

The SPEAKER. That motion has been agreed to.

Mr. WALTER E. ROSE. Mr. Speaker, is not then the only question before the House whether or not we should pass finally on House Bill 1639, Printer's No. 1055?

The SPEAKER. For the information of the gentleman from Cambria, there has been an understanding between the floor leaders that we would debate the three bills at one time.

Mr. WALTER E. ROSE. Mr. Speaker, the reason I raised the question was because the gentleman from Philadelphia, Mr. Levy, made an urgent request for us to vote for House Bill 1002. We are actually voting on House Bill 1639.

I would like to raise a question on House Bill 1639 and I would like to interrogate the gentleman from Philadelphia, Mr. Herman.

The SPEAKER. The gentleman has the same privilege as the gentlemen who proceeded him and as extended to the other gentlemen.

Mr. WALTER E. ROSE. Mr. Speaker, I would like to inquire from the gentleman whether or not this bill, House Bill 1639, affects self insurers in any way.

Mr. HERMAN. No different than the old act, Mr. Speaker. It just makes compensation insurance compulsory.

Mr. WALTER E. ROSE. Mr. Speaker, then in the gentleman's opinion any self insurer would still be permitted to operate?

Mr. HERMAN. If they come under the compensation law, yes, Mr. Speaker.

Mr. WALTER E. ROSE. I thank the gentleman, Mr. Speaker.

Mr. MORAN. Mr. Speaker, I am going to be very brief—I have only four or five pages here. I desire to talk about workmen's compensation in relation to the bill before the House.

In every corner of the globe today war is being waged for the preservation of democracy. Across the seas blood is being spilt to protect the institution of democracy from the horrors of totalitarianism.

We who have lived in a democratic nation appreciate the value of democracy in the attainment of a fuller life. The power of a democracy springs from the protection it affords the humblest citizen from the injustice of a political or an industrial system. In protecting the lowly toiler from the abuses of an unjust industrial system, the people of Pennsylvania and the United States during the

past decade have made wondrous strides but we still have far to go.

It is my studied opinion that one of the most effective ways of demonstrating the value of democracy is the progress that has been made in the country in the development of workmen's compensation. I contend that we can strengthen the average American's love for and his interest in democracy by strengthening and advancing the principle of workmen's compensation.

Now is the time for the industrial giants of the country, while they are rallying to the program to defend democracy, to also join the never-ending drive to expand democracy.

No industrialist fails to set aside a part of his profit against wear and tear and accidents that decrease the efficiency or necessitate the replacement of his machinery.

But what howls arise when some industrialists are asked to set aside a sum to pay decent compensation for the accidents that happen to their workers?

The reason for the distinction is rather brutal:

Machines cost more than men.

An injured workman can be replaced by another workman at the same wages. The industrialist loses nothing, but society loses the services of a worker—perhaps permanently—through an injury sustained while in the employ of a certain employer.

Someone must take care of that injured worker.

Such cases should not be a charge upon the public at large any more than a broken machine in a factory should be replaced out of tax funds or private charity.

The cost of industrial accidents to human beings belongs in the same place as industrial accidents to machines—on the shoulders of the employers in whose services those accidents occur.

Some employers fought ANY State laws for workmen's compensation. The same type today fights legislation to make them pay something approaching the whole cost of such accidents.

The workmen's compensation law of Pennsylvania was finally passed 27 years ago, after many squabbles over whether to have any such statute. This law was only "luke warm" as to the rights and protection of the working men. It was so out of date that this great industrial State ranked thirty-fifth in a list of how well States provide for the care of injured workmen. Pennsylvania was even behind the Philippine Islands.

There was simply no excuse for that—although there is an explanation.

As long as the Pennsylvania Legislature was dominated by servants of the reactionary type of employer, there was little hope of bringing the workmen's compensation law up to date.

However, in 1937 the democratic party liberal in its policy and with the purpose of giving a square deal to the workingmen past the law which placed this Commonwealth third in compensation and protection to the worker, only to have the Republican majority in the legislature in 1939 wreck the act to such extent that Pennsylvania's rank among the states of this nation as to how well they take care of injured workers was 29th.

It is not merely House Bill No. 1002 that is before you. There are four bills, Senate Bill 236, which is House Bill 1481, House Bill 990, House Bill 1002 and House Bill 1639. These are the bills that affect Workmen's Compensation.

One of those bills is on second reading and the others on third reading. These bills will restore Pennsylvania to its proper place in the ranks of the forty-eight states, and I honestly request your support for these bills, regardless of whether you are a Republican or a Democrat, in order that labor will get a square deal in Pennsylvania.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken. Messrs. Levy, O'Mullen and Lovett asked for a verification of the roll. The roll was verified and was as follows:

YEAS—92

Achterman,	Finestone,	McClanaghan,	Roone,
Balthaser,	Finnerty,	McDermott,	Rose, S.,
Baughner,	Flynn,	McFall,	Rush,
Bentley,	French,	McIntosh,	Scanlon,
Bentzel,	Gallagher,	McLanahan,	Shaffer,
Boles,	Gerard,	McLane,	Shaw,
Boney,	Goodwin,	Melchiorre,	Shepard,
Bradley,	Gryskewicz,	Mihm,	Skale,
Breth,	Haberlen,	Monks,	Stine,
Brown,	Hamilton,	Mooney,	Tarr,
Brunner, P. A.,	Harris,	Moran,	Tate,
Burns,	Herman,	Moul,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Vincent,
Cochran,	Hirsch,	Nunemacher,	Vogt,
Cohen, M. M.,	Jefferson,	O'Brien,	Voldow,
Cohen, R. E.,	Keenan,	O'Mullen,	Welsh,
Croop,	Kolankiewicz,	Owens,	Welsh, E. B.,
Cullen,	Komorowski,	Petrosky,	Welsh, M. J.,
DiGenova,	Lesko,	Polaski,	Wolf,
Dolon,	Longo,	Prosen,	Woodring,
D'Ortona,	Lovett,	Rausch,	Young,
Duffy,	Malloy,	Readinger,	Kilroy,
Early,	Maxwell,	Reynolds,	Speaker
Falkenstein,			

NAYS—80

Auker,	Gyger,	Levy,	Rhea,
Baker,	Habbyshaw,	Leydic,	Rose, W. E.,
Bower,	Haines,	Lichtenwalter,	Sarra,
Bretherick,	Hare,	Lyons,	Serrill,
Burris,	Harkins,	Marks,	Simons,
Cadwalader,	Harmuth,	McClester,	Stambaugh,
Cook,	Heatherington,	McKinney,	Stockham,
Cooper,	Heim,	McMillen,	Thompson, R. L.,
Cordier,	Hewitt,	McSurdy,	Trout,
Dairymple,	Holland,	Muir,	Turner,
Dennison,	Imbrie,	Munley,	Van Allsburg,
Dix,	Jones, P. N.,	O'Connor,	Wagner,
Elder,	Kenehan,	O'Dare,	Watkins,
Ely,	Kline,	O'Neill,	Weingartner,
Fiss,	Knoble,	Pettitt,	Wilkinson,
Fleming,	Krise,	Polen,	Williams,
Foor,	Lee, E. A.,	Powers,	Woodside,
Gillette,	Lee, T. H.,	Rank,	Wright,
Greenwood,	Lelsey,	Reagan,	Yeakel,
Gross,	Leonard,	Reese, David P.,	Yester,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

POINT OF INFORMATION

Mr. FRENCH. Mr. Speaker, I rise to a point of information.

The SPEAKER. The gentleman from Mifflin will state his point of information.

Mr. FRENCH. Mr. Speaker, we listened to a speech that consumed thirty or thirty-five minutes a few minutes ago from a certain gentleman on the floor and he voted "aye" on this bill but I now point to the fact that he changed his vote and voted "no."

The SPEAKER. If the gentleman will come to the desk the Chair will explain to him why he changed his vote.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1002, as follows:

An Act to further reenact and amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" prescribing duties on certain employers changing maximum and minimum rates periods total amounts and aggregate of compensation changing the system of computation of wages for compensation purposes changing practice and rules of evidence defining earning power after accident authorizing the board to terminate compensation in certain cases changing the classes of dependents entitled to compensation in case of death changing powers and duties of the board and imposing additional penalties authorizing the department the board and the referees to approve compromise agreements in certain cases and generally amending clarifying and changing the provisions of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of June one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as last reenacted and amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 520) is hereby further reenacted and amended to read as follows

Article I

Interpretation and Definitions

Section 101 That this act shall be called and cited as The Pennsylvania Workmen's Compensation Act and shall apply to all accidents occurring within this Commonwealth irrespective of the place where the contract of hiring was made renewed or extended and shall not apply to any accident occurring outside of the Commonwealth except to accidents occurring to Commonwealth employes outside the Commonwealth while such employes are engaged in duly authorized business of the Commonwealth and except accidents occurring to [Pennsylvania] employes whose duties require them to go temporarily beyond the territorial limits of the Commonwealth not over ninety days when such employes are performing services for employers whose place of business is within the Commonwealth

Section 102 Wherever in this act the singular is used the plural shall be included where the masculine gender is used the feminine and neuter shall be included

Section 103 The term "employer" as used in this act is declared to be synonymous with master and to include natural persons partnerships joint-stock companies corporations for profit corporations not for profit municipal corporations the Commonwealth and all governmental agencies created by it Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "employer" as applied to partnerships or joint-stock companies or corporations shall mean the partners or the executive officers or local managers thereof

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes

(a) All natural persons including minors who perform services of any kind except agriculture services or domestic services performed in a private home for another for a valuable consideration exclusive of persons whose

employment is casual in character and not in the regular course of the business of the employer and exclusive of persons to whom articles or materials are given out to be made up cleaned washed altered ornamented finished or repaired or adapted for sale in the worker's own home or on other premises not under the control or management of the employer

(b) All members or employees of volunteer fire companies of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employees" of such cities boroughs incorporated towns and townships for all the purposes of this act and shall be entitled to receive compensation under this act in case of injuries received in accidents occurring while actually engaged as firemen or while going to or returning from any fire which the fire companies of which they are members shall have attended or while performing any other duties of such companies

Section 105 The term "contractor" as used in article two section two hundred and three and article three section three hundred and two (d) shall not include a contractor engaged in an independent business other than that of supplying laborers or assistants in which he serves persons other than the employer in whose service the accident occurs but shall include a sub-contractor to whom a principal contractor has sub-let any part of the work which such principal contractor has undertaken

Section 106 The exercise and performance of the powers and duties of a local or other public authority shall for the purposes of this act be treated as the trade or business of the authority

Section 107 The term "Department" when used in this act shall mean the Department of Labor and Industry of this Commonwealth

The term "Board" when used in this act shall mean The Workmen's Compensation Board of this Commonwealth

Section 108 For the purpose of this act minors shall have the same power to contract file claims for compensation and receive compensation as adult employees subject however to the power of the board in its discretion at any time to require the appointment of a guardian to contract or to receive moneys thereunder or under an award for the benefit of any such minor Any minor employed by his parent or parents shall have the right to file a claim for compensation under this act against such parent or parents in his own name and in his own right and to enforce the payment of such compensation

Article II

Damages by Action at Law

Section 201 That in any action brought to recover damages for personal injury to an employee in the course of his employment or for death resulting from such injury it shall not be a defense

(a) That the injury was caused in whole or in part by the negligence of a fellow employee or

(b) That the employee had assumed the risk of the injury or

(c) That the injury was caused in any degree by the negligence of such employee unless it be established that the injury was caused by such employee's intoxication or by his reckless indifference to danger The burden of proving such intoxication or reckless indifference to danger shall be upon the defendant and the question shall be one of fact to be determined by the jury

(d) In any action brought to recover damages for personal injury to an employee in the course of his employment or for death resulting in the course of his employment or for death resulting from such injury the following rule shall apply

If the jury finds that the employee's injury was caused or contributed to by the employer's violation or failure to observe any safety law or regulation in effect at the time of the injury the injured employee or his dependents shall be entitled to double damages

Section 202 The employer shall be liable for the negligence of all employees while acting within the scope

of their employment including engineers chauffeurs miners mine-foremen fire-bosses mine superintendents plumbers officers of vessels and all other employees licensed by the Commonwealth or other governmental authority if the employer be allowed by law the right of free selection of such employees from the class of persons thus licensed and such employees shall be the agents and representatives of their employers and their employers shall be responsible for the acts and neglects of such employees as in the case of other agents and employees of their employers and notwithstanding the employment of such employees the property in and about which they are employed and the use and operation thereof shall at all times be under the supervision management and control of their employers

Section 203 An employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employee or contractor for the performance upon such premises of a part of the employer's regular business entrusted to such employee or contractor shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employee

Section 204 No agreement composition or release of damages made before the date of any accident except the agreement defined in article three of this act shall be valid or shall bar a claim for damages for the injury resulting therefrom and any such agreement other than that defined in article three herein is declared to be against the public policy of this Commonwealth The receipt of benefits from any association society or fund shall not bar the recovery of damages by action at law nor the recovery of compensation under article three hereof and any release executed in consideration of such benefits shall be void

Section 205 Every employer who has elected not to be bound by article three of this act shall insure his liability to pay damages to injured workmen and their dependents which may be recovered against such employer by suit or otherwise in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure liability in this Commonwealth unless such employer shall be exempted by the department as hereinafter set forth An employer desiring to exempt from insuring his liability to pay damages shall make application to the department showing his financial ability to pay such damages as in the judgment of the department would be an amount that would accrue as a result of the ordinary risks of the particular employment wherein the employer seeks exemption Whereupon the department if satisfied of the applicant's financial ability shall upon the payment of a fee of twenty-five dollars (\$25.00) issue to the applicant a permit authorizing such exemption From a refusal of the department to issue such permit an appeal shall lie to the Court of Common Pleas of Dauphin County In any such appeal the only question shall be whether the department abused its discretion in refusing such permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a renewal fee of twenty-five dollars (\$25.00) The department may from time to time require further statements of the financial ability of such employer and if at any time such employer appear no longer able to pay damages shall revoke its permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in any insurance company or mutual association or company as aforesaid

Every employer liable under this section of the act to pay damages shall post and maintain in a conspicuous place in and about his place of business a notice that he

has secured the payment of damages of his employes and their dependents in accordance with the provisions of this section Such notice shall be in such form as shall be prescribed by the department and among other things shall set forth the name of the employer the name of the employer's insurance carrier or that he has been exempted by the department from carrying insurance as the case may be

If any employer shall fail to comply with the provisions of this section with respect to posting and maintaining the notice required by this act such employer shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution

If any employer fails to comply with the provisions of this section with respect to insuring or securing all exemption from insurance or in any applications filed under this section shall furnish the department with a false or fraudulent statement of outstanding incurred liability for damages or any other false or fraudulent statement such employer shall be guilty of a misdemeanor and upon conviction thereof for every such failure or false or fraudulent statement shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and costs of prosecution or imprisonment for a period of not more than one year or both at the discretion of the court Every day's violation and every false or fraudulent statement shall constitute a separate offense It shall be the duty of the department to enforce this section but this shall not prohibit any citizens from being a prosecutor for violations of this law The department shall investigate all violations brought to its notice and shall institute prosecution for violation thereof All fines recovered under the provisions of this section shall be paid by the clerk of the court to the department and by it paid into the State Treasury

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section shall be prima facie evidence of the facts therein stated Any employer who fails to secure his employes to pay compensation under article three of this act or if he has rejected article three of this act and fails to secure his employes in the payment of damages sustained by such employes in the manner set forth in this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred dollars (\$300.00) and not to exceed one thousand dollars (\$1000.00) or imprisonment for six months either or both at the discretion of the court

For the purpose of this section minor children working for their parents shall be conclusively presumed to be emancipated

Article III

Elective Compensation

Section 301 (a) When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for personal injury to or for the death of [such] any employe by an accident in the course of his employment shall be paid in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article provided that no compensation shall be paid when the injury or death is intentionally self inflicted [or is caused by the employe's violation of law] but the burden of proof of such fact shall be upon the employer

(b) The right to receive compensation under this act shall not be affected by the fact that a minor is employed [or is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors or that he obtained his employment by misrepresenting his age] by his parent or parents

(c) The terms "injury" and "personal injury" as used in this act except as used in article two shall be construed to mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom and wherever death is mentioned as a cause for compensation under this act it shall mean only death resulting from such violence and its resultant effects and occurring within [three] five hundred weeks after the accident The term "injury by an accident in the course of his employment" as used in this article shall not include an injury caused by an act of a third person intended to injure the employe because of reasons personal to him and not directed against him as an employe or because of his employment but shall include all other injuries sustained while the employe is [actually] engaged in the furtherance of the business or affairs of the employer whether upon the employer's premises or elsewhere and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon sustained by the employe who though not so engaged is injured upon the premises occupied by or under the control of the employer or upon which the employer's business or affairs are being carried on the employe's presence thereon being required by the nature of his employment

Section 302 (a) In every contract of hiring made after December thirty-first one thousand nine hundred and fifteen and in every contract of hiring renewed or extended by mutual consent expressed or implied after said date it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless there be at the time of the making renewal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such written statement accompanied by proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such service be filed with the department within ten days after such service and before any accident has occurred Every contract of hiring oral written or implied from circumstances now in operation or made or implied on or before December thirty-first one thousand nine hundred and fifteen shall be conclusively presumed to continue subject to the provisions of article three hereof either party shall on or before said date in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the department a true copy of such notice together with proof of service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligation of any contract now in force or invalidate any acceptance or rejection of the provisions of article three of the Workmen's Compensation Act heretofore in force but such prior acceptance or rejection shall continue unimpaired under this act until notice is given as provided in section three hundred four hereof In the employment of minors article three shall be presumed to apply unless the said written notice be given by or to the parent or guardian of the minor It shall not be lawful for any officer or agent of this Commonwealth or for any county city borough town or township therein or for any officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the provisions of this article to any employe of the Commonwealth or of such governmental agency

(b) After December thirty-first one thousand nine hundred and fifteen an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises or a part of the employer's regular business entrusted to that employe or contractor shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation

in accordance with the provisions of article three unless the employer shall post in a conspicuous place upon the premises where the laborer's or assistant's work is done a notice of his intention not to pay such compensation and unless there be filed with the department within ten days thereafter and before any accident has occurred a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and after December thirty-first one thousand nine hundred and fifteen any such laborer as assistant who shall enter upon premises occupied by or under control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three in lieu of his right of action under article two unless he shall have given notice in writing to the employer at the time of entering upon such employer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within ten days thereafter and before any accident has occurred there shall have been filed with the department a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of such service And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the intermediate employer or contractor and such laborer or assistant unless otherwise expressly agreed

Section 303 Such agreement shall constitute an acceptance of all the provisions of article three of this act and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any injury or death occurring in the course of the employment or to any method of determination thereof other than as provided in article three of this act Such agreement shall bind the employer and his personal representatives and the employee his or her wife or husband widow or widower next of kin and other dependents

Section 304 Any agreement between employer and employee for the operation or non-operation of the provisions of article three of this act may be terminated prior to any accident by either party upon [thirty] sixty days' notice to the other in writing if a copy of such notice with proof of service be filed in the department as provided in section three hundred and two of this article

Section 305 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the department from such insurance An employer desiring to be exempt from insuring [the whole or any part of] his liability for compensation shall make application to the department showing his financial ability to pay such compensation whereupon the department if satisfied of the applicant's financial ability shall upon the payment of a fee of twenty-five dollars (\$25.00) issue to the applicant a permit authorizing such exemption From a refusal of the department to issue such permit an appeal shall lie to the court of common pleas of Dauphin County In any such appeal the only question shall be whether the department abused its discretion in refusing such permit Whenever an application for an exemption shall be filed by or on behalf of more than one employer every such employer applicant shall be required to pay the fee prescribed by this section in order to obtain a permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a re-

newal fee of twenty-five dollars (\$25.00) The department may from time to time require further statements of the financial ability of such employer and if at any time it should appear to the department that such employer [appear] is no longer able to pay compensation shall revoke its permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in any insurance company or mutual association or company as aforesaid

Every employer liable under this act to pay compensation shall post and maintain in a conspicuous place in and about his place of business a notice that he has secured the payment of compensation to his employees and their dependents in accordance with the provisions of this section Such notice shall be in such form as shall be prescribed by the department and among other things shall set forth the name of the employer's insurance carrier or that he has been exempted by the department from carrying insurance as the case may be

If any employer shall fail to comply with the provisions of this section with respect to posting and maintaining the notice required by this act such employer shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution

If any employer fails to comply with the provisions of this section with respect to insuring or securing an exemption from insurance or in any applications filed under this section shall furnish the department with a false or fraudulent statement of outstanding incurred liability for compensation or any other false or fraudulent statement such employer [shall be guilty of a misdemeanor and] upon conviction thereof in a summary proceeding shall for every such failure [shall] or false or fraudulent statement be sentenced to pay a fine or not less than one hundred dollars (\$100) nor more than [five] three hundred dollars [(\$500)] (\$300) and costs of prosecution [or] and upon failure to pay such fine and costs shall be sentenced to undergo imprisonment for a period of not more than [six] three months [or both at the discretion of the court] Every day's violation and every false or fraudulent statement shall constitute a separate offense It shall be the duty of the department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof [All fines recovered under the provisions of this section shall be paid by the clerk of the court to the department and by it paid into the State Treasury]

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section shall be prima facie evidence of the facts therein stated

For the purposes of this section minor children working for their parents shall be conclusively presumed to be emancipated

Section 306 The following schedule of compensation is hereby established for injuries resulting in total disability

(a) For the first five hundred weeks after the seventh day of total disability sixty-six and two-thirds per centum of the wages of the injured employee as defined in section three hundred and nine but the compensation shall not be more than eighteen dollars per week nor less than [nine] twelve dollars per week [and shall not exceed in the aggregate the sum of seventy-five hundred dollars] Provided That if at the time of the injury the employee receives wages of less than [nine] twelve dollars per week then he shall receive the full amount of such wages per week as compensation but in no event less than [five] nine dollars per week Provided further That if total disability shall continue for a period of four weeks or more the employee also shall be entitled to receive compensation for the first seven days of total dis-

ability Should total disability become permanent then in addition to the compensation provided for five hundred weeks and beginning at the expiration of the five hundred weeks the sum of thirty dollars per month shall be payable during such permanent total disability prior to death Provided further however That such monthly payments shall cease if the person receiving compensation accepts other public funds contributed to by the employer which equal or exceed the amount of compensation payments Nothing in this clause shall require payment of compensation after disability shall cease [should partial disability be followed by total disability the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability]

(b) For disability partial in character (except the particular cases mentioned in clause (c) sixty-six and two-thirds per centum of the difference between the wages of the injured employe as defined in section three hundred and nine and the earning power of the employe thereafter but such compensation shall not be more than [fifteen] eighteen dollars per week This compensation shall be paid during the period of such [partial] disability [not however beyond three hundred weeks after the seventh day of disability] but not for more than four hundred weeks Such compensation shall begin upon the termination of total disability if any total disability resulted from the injury and upon the termination of compensation for permanent injuries compensable under section three hundred six (c) if the partial disability shall result from injuries other than the permanent injury compensated for under clause (c) of this section If the partial disability shall continue for a period of four weeks or more the employe shall also be entitled to receive compensation for the first seven days of partial disability Should total disability be followed by partial disability the period of [three] four hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for total disability [The term "earning power" as used in this section shall in no case be less than the weekly amount which the employe receives after the accident] In cases of partial disability the actual earnings of an employe after the date of injury may along with other evidence be received as evidence of the extent of his earning power but if such employe has no such earnings the referee may in the interest of justice fix such earning power as shall be reasonable having due regard to the character of his previous employment and the nature of his injury and his partial disability

(c) For all disability resulting from permanent injuries of the following classes the compensation shall be exclusively as follows

For the loss of a hand sixty-six and two third per centum of wages during [one hundred and seventy-five] two hundred forty-four weeks

For the loss of an arm sixty-six and two-thirds per centum of wages during [two] three hundred and [fifteen] twelve weeks

For the loss of a foot sixty-six and two-thirds per centum of wages during [one] two hundred and fifty] five weeks

For the loss of a leg sixty-six and two-thirds per centum of wages during two hundred and [fifteen] eighty-eight weeks

For the loss of an eye [sixty-six and two-thirds] or for the removal of a cataract from the lens of an eye causing the loss of binocular vision sixty-six and two-thirds per centum of wages during [one hundred and twenty-five] two hundred weeks

For the complete loss of hearing in one ear sixty-six and two-thirds per centum of wages during forty weeks For the loss of hearing in both ears sixty-six and two-thirds per centum of wages during one hundred and fifty weeks

For the loss of a thumb sixty-six and two-thirds per centum of wages during [sixty] seventy-five weeks

For the loss of a first finger commonly called index

finger sixty-six and two-thirds per centum of wages during [thirty-five] fifty weeks

For the loss of a second finger sixty-six and two-thirds per centum of wages during [thirty] forty weeks

For the loss of a third finger sixty-six and two-thirds per centum of wages during [twenty] twenty-five weeks

For the loss of a fourth finger commonly called little finger sixty-six and two-thirds per centum of wages during fifteen weeks

For the loss of a great toe sixty-six and two thirds per centum of wages during sixty weeks

For the loss of a first toe sixty-six and two-thirds per centum of wages during sixty weeks

For the loss of a second toe sixty-six and two-thirds per centum of wages during thirty weeks

The loss of less than the first phalange of the toe thumb or of any finger shall be considered equivalent to the loss of one-half of such toe thumb or finger and shall be compensated at the same rate as for the loss of a toe thumb or finger but for one-half of the period provided for the loss of a toe thumb or finger Provided however That the accident involves injury to part of the bone of the phalange

The loss of [more than] one phalange or more of a toe thumb or finger shall be considered equivalent to the loss of the entire toe thumb or finger

For the loss of [or permanent loss of the use of] any two or more such members or the permanent loss of the use of the finger thumb hand arm foot leg toe or eye as hereinbefore provided not constituting total disability sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each

The loss of the function of the distal joint shall be considered compensable for the period of one-half the number of weeks set forth for the loss of the toe or finger involved The loss of the function of the proximal joint shall be considered to be the loss of the use of the toe or finger and shall be compensable as set forth above for the loss of the toe or finger involved

For serious and permanent disfigurement of the head [or] face or neck of such a character as to produce an unsightly appearance and such as is not usually incident to the employment sixty-six and two-third per centum of wages not to exceed [one hundred and fifty] two hundred weeks If by reason of disfigurement an injured employe shall be unable to obtain any employment for which he is otherwise qualified the board may order compensation to be paid in accordance with the provisions of clause (a) or clause (b) of this section

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute permanent total disability to be compensated according to the provisions of clause (a)

Amputation between the [elbow and the] wrist and the knuckles shall be considered as the equivalent of the loss of a hand and amputation between the [knee] toes and the ankle shall be considered as the equivalent of the loss of a foot Amputation [at or] above the [elbow] wrist shall be considered as the loss of an arm and amputation at or above the [knee] ankle shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye toe finger or thumb for industrial purposes shall be considered as the equivalent of the loss of such hand arm foot leg eye toe finger or thumb

This compensation shall not be more than eighteen dollars per week nor less than [nine] twelve dollars per week Provided That if at the time of injury the employe receives wages of less than [nine] twelve dollars per week then he shall receive the full amount of such wages per week as compensation but in no event less than [five] nine dollars per week

[(d) The period of five hundred weeks mentioned in clause (a) three hundred weeks mentioned in clause (b) and the specific periods or aggregate specific periods as the case may be) mentioned in clause (c) shall begin to run seven days after disability begins and shall run concurrently]

[(e)] (d) No compensation shall be allowed for the first seven days after disability begins except as [herein-

after] provided in [clause (f)] clauses (a) (b) and (e) of this section

[(f)] (e) During the first [sixty days] three months after [disability begins] the date of injury and during such further period as the board may in the manner hereinafter provided require in a particular case the employer shall furnish reasonable surgical [and] medical dental and nursing services hospital treatment artificial appliances medicines and supplies as and when needed unless the employee refuses to allow them to be furnished by the employer. Provided That the injured employee by petition to the board and notice to the employer may be permitted by the board to consult a physician of his own choice at any time during his disability the cost of such consultation to be paid by the employer in accordance with a schedule of charges to be prescribed and approved by the board. Any such request shall be acted upon promptly either with or without a hearing and shall have preference over any other matter or proceeding pending before the board or the referee. Upon application of an injured employee the board may issue its orders requiring the employee to furnish such further services hospital treatment medicines artificial appliances or supplies during such further period and in such additional amounts after the three months' period as the board may in the interest of justice deem advisable. The cost of such services (exclusive of the cost of hospital treatment and artificial appliances) medicines and supplies during the aforesaid three months' period shall not exceed [one hundred and fifty] two hundred dollars [(\$150)] (\$200). If the employer shall upon application made to him refuse to furnish such services hospital treatment appliances medicines and supplies the employee may procure same and shall receive from the employer the reasonable cost thereof [within the above limitations. In addition to the above service medicines and supplies hospital treatment services and supplies shall be furnished by the employer for the said period of sixty days. The cost for such hospital treatment, service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other] [individuals]. If the employee shall refuse [reasonable surgical medical and hospital] such services hospital treatment appliances medicines and supplies tendered to him by his employer he shall forfeit all rights to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal. Provided however That the employee need not submit to surgical treatment which in the opinion of at least two qualified physicians might jeopardize his life. The employer shall also furnish to the employee or pay the cost of transportation to and from the place where such services are rendered and reimbursement for such costs assumed by the employee may be enforced as payments of compensation are enforced.

(f) Should the employee die from some other cause than the injury the liability for compensation shall cease

[(g)] Should the employee die as a result of the injury the period during which compensation shall be payable to his dependents under section three hundred and seven of this article shall be reduced by the period during which compensation was paid to him in his lifetime under this section of this article. No reduction shall be made for the amount which may have been paid or contracted to be paid for medical and hospital services and medicines nor for the expenses of the last sickness and burial. Should the employee die from some other cause than the injury the liability for compensation shall cease.

(g) If an employee receives an injury compensable under this act which of itself would not cause permanent total disability but which combined with a previous major permanent injury does in fact cause permanent total disability or if an employee who has previously suffered a major permanent injury receives an injury compensable under this act which of itself is a permanent injury or which either causes permanent total disability or results in the death of such employee compensation for such further permanent injury total disability or death shall be paid as follows

(1) In the case of further permanent injury not resulting in total disability either of itself or in combina-

tion with any prior major permanent injury the amount provided by clause (c) of this section for the particular type of the later permanent injury

(2) In the case of total disability resulting either from the later injury of itself or from such injury combined with any prior major permanent injury an amount equivalent to the difference between the compensation payable for any prior major permanent injury and the amount payable for total disability under clause (a) of this section

(3) In the case of death resulting from the later injury or from a combination of any prior major permanent injury and the later injury the amount payable under section three hundred seven of this act in cases of death

The employer of any such employee shall be responsible for compensating the injured employee for the second injuries and in the manner prescribed in this subsection but shall be relieved from the payment of compensation to such employee to the extent such compensation is paid under this subsection out of the second injury reserve account of the State Workmen's Insurance Fund

Such employer in order to obtain the benefits of this subsection shall file with the board a petition of agreed facts in the manner provided in section four hundred eleven of this act and thereafter the procedure shall be the same as in other cases except that the board may in its discretion act on such petition without a hearing

For the purposes of this subsection a "major permanent injury" shall mean all permanent injuries set forth in clause (c) of section three hundred six exclusive of loss of or loss of use of one or more fingers or toes not amounting to loss of or loss of use of hand or foot

[(h)] Hernia shall be considered as a physical weakness or ailment which ordinarily develops gradually and shall not be compensable unless incontrovertible proof is offered that the hernia was at once precipitated by sudden effort or severe strain and that first the descent of the hernia followed the cause without intervening time second there was actual pain in the hernial region at the time of descent third the above manifestations were of such severity that the same were noticed at once by the claimant necessitating immediate cessation of work and communicated to the employer or a representative of the employer within forty-eight hours after the occurrence of the accident

Section 307 In case of death compensation shall be computed on the following basis and distributed to the following persons

1 If there be no widow nor widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereinafter provided as follows

[(a)] If there be one child twenty-five per centum of wages of deceased but not in excess of six dollars per week

[(b)] (a) If there be either one or two children thirty-five per centum of wages of deceased but not in excess of [nine] twelve dollars per week

[(c)] (b) If there be three children forty-five per centum of wages of deceased but not in excess of [eleven and a half] fourteen dollars per week

[(d)] (c) If there be four children [fifty-five] sixty per centum of wages of deceased but not in excess of [fourteen] sixteen dollars per week

[(e)] (d) If there be five or more children [sixty-two and one-half] sixty-five per centum of wages of deceased but not in excess of [sixteen and a half] eighteen dollars per week

[(f)] If there be six or more children sixty-six and two-thirds per centum of wages of deceased but not in excess of eighteen dollars per week

2 To the widow or widower if there be no children forty-four per centum of wages but not in excess of [eleven] twelve dollars per week

3 To the widow or widower if there be one child [fifty-three] fifty-nine per centum of wages but not in excess of [thirteen and a half] fifteen dollars per week

4 To the widow or widower if there be two children

[sixty-two and one-half] sixty-five per centum of wages but not in excess of sixteen dollars per week

4½ To the widow or widower if there be three or more children sixty-six and two-thirds per centum of wages but not in excess of eighteen dollars per week

5 If there be neither widow widower nor children entitled to compensation or if the widow widower or children are not receiving the maximum compensation payable under this act then to the father or mother if dependent to any extent upon the employe at the time of the accident twenty-five per centum of wages but not in excess of [five] ten dollars per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be conclusively presumed And provided further That if the father or mother was totally dependent upon the deceased employe at the time of the accident the compensation payable to such father or mother shall be forty-five per centum of wages but not in excess of [ten] fifteen dollars per week but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of eighteen dollars per week in any one case

6 If there be neither widow widower children nor dependent parent entitled to compensation or if the widow widower children or dependent parent are not receiving the maximum compensation payable under this act then to the brothers and sisters until the age of eighteen if actually dependent upon the decedent for support at the time of his death fifteen per centum of wages for one brother or sister and five per centum additional for each additional brother or sister with a maximum of twenty-five per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designated by the board as hereinafter provided but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of eighteen dollars per week in any one case

7 Whether or not there be dependents as aforesaid the reasonable expense of burial not exceeding two hundred dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses)

Compensation shall be payable under this section to or on account of any child brother or sister only if and while such child brother or sister is under the age of [sixteen] eighteen unless such child brother or sister is dependent by reason of disability in which case such compensation shall be paid to or on account of such child brother or sister until he or she reaches the age of twenty-one No compensation shall be payable under this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him [and receiving from him a substantial portion of her] for support No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support [If members of decedent's household at the time of his death the] The terms "child" and "children" shall include stepchildren and adopted children and children to whom he stood in loco parentis if members of decedent's household at the time of his death and shall include posthumous children Should any dependent of a deceased employe die or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow other than a nonresident alien widow the compensation of such widow shall continue as hereinbefore provided for [one-third of the period during which compensation then remains payable to her] Provided further That if upon investigation and hearing it shall be ascertained that the widow or widower is living with a man or woman as the case may be in meretricious relationship and not mar-

ried or the widow living a life of prostitution the board may order the termination of compensation payable to such widow or widower two years from the date of such remarriage If the compensation payable under this section to any person shall for any cause cease the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any case [be taken to exceed twenty-seven dollars per week nor] be less than [fifteen] eighteen dollars and fifty cents per week

This compensation shall be paid during [three] five hundred weeks except that in the case of a widow if she shall remain unmarried compensation shall continue after said period of five hundred weeks at the rate of five dollars per week for life and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of [three] five hundred weeks until such child reaches the age of [sixteen] eighteen at the rate of [seventeen and one-half] twenty-five per centum of wages but not in excess of [four] five dollars per week if there is one child [twenty-seven and one-half] thirty-five per centum of wages but not in excess of [six and a half] eight dollars per week if there are two children [thirty-eight and one-half] fifty per centum of wages but not in excess of [nine] ten dollars per week if there are three children [fifty] seventy-five per centum of wages but not in excess of [eleven and a half] fifteen dollars per week if there are four children [fifty-five per centum of wages but not in excess of twelve dollars and seventy-five cents per week if there are five children and sixty per centum of wages but not in excess of fourteen dollars per week if there are six children] or more

The board may if the best interest of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow or a widower on account of any child or children to be paid to the guardian of such child or children or if there be no guardian to such other person as the board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or dependent may be paid to any surviving parent or to such other person as the board may order and direct and the board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Section 308 Except as hereinafter provided all compensation payable under this article shall be payable in periodical instalments as the wages of the employe were payable before the accident

All compensation payable under this article shall be made payable only to employes or their dependents or their guardians or such other persons as may be designated by the board

Any person copartnership association or corporation who or which violates any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay for each violation a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00)

Section 309 Wherever in this article the term "wages" is used it shall be construed to mean [the average weekly wages of the employe ascertained as follows]

[(a) If at the time of the accident the wages are fixed by the week the amount so fixed shall be the average weekly wage]

[(b) If at the time of the accident the wages are fixed by the month the average weekly wage shall be the

monthly wage so fixed multiplied by twelve and divided by fifty-two]

[(c) If at the time of the accident the wages are fixed by the year the average weekly wage shall be the yearly wage so fixed divided by fifty-two]

[(d) If at the time of the accident the wages are fixed by the day hour or by the output of the employee the average weekly wage shall be the wage most favorable to the employee computed by dividing by [thirteen] the total wages of said employee earned in the employe of the employer in the first second third or fourth period of thirteen consecutive calendar weeks in the fifty-two weeks immediately preceding the accident or in case the employee receives wages monthly or semi-monthly by dividing by thirteen the total wages of said employee earned in the employ of the employer in the first second third or fourth period of three consecutive calendar months in the year immediately preceding the accident]

[If the employee has been in the employ of employer less than thirteen calendar weeks (or three calendar months if the employee receives wages monthly or semi-monthly) immediately preceding the accident his average weekly wage shall be computed under the foregoing paragraph taking "total wages" for such purpose to be the amount he would have earned had he been so employed by employer the full thirteen calendar weeks (or three calendar months) immediately preceding the accident and had worked when work was available to other employes in a similar occupation unless it be conclusively shown that by reason of exceptional causes such methods of computation does not ascertain fairly the "total wages" of employee so employed less than thirteen calendar weeks (or three calendar months)]

[(e) In occupations which are exclusively seasonal and therefore cannot be carried on throughout the year the average weekly wage shall be taken to be one-fiftieth of [the total wages which the employee has earned from all occupations during the twelve calendar months immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employee in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings]

[The terms "average weekly wage" and "total wages" as used in this section shall include board and lodging received from the employer and when so received the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day but such terms shall not include gratuities received from the employer or others nor shall such terms include amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employee nor shall such terms include deductions from wages due the employer for rent and supplies necessary for the employee's use in the performance of his labor]

[Where the employee is working under concurrent contracts with two or more employers and the defendant employer has knowledge of such employment prior to the accident his wages from all such employers shall be considered as if earned from the employer liable for compensation] the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident except that if the injured employee was at the time of the injury a minor and his disability shall continue after he shall have reached the age of twenty-one years his average weekly wage for the purpose of determining the compensation payable under this act shall be determined on the basis of the earnings that such minor if not disabled probably would earn at the age of twenty-one (21) years In determining such probable earnings due consideration shall be given to the employee's aptitude education and experience fitting him for any employment not only in the trade or business in which he was engaged at the time of the injury but in any other trade or business In determining such probable earnings the referee and the board shall have the right to receive into evidence as competent testimony the earnings of other employes of similar aptitude education and

experience engaged in a similar trade or business and findings based upon such testimony shall be final The term "wages" shall include board and lodging received from the employer Whenever the employee receives board and lodging as a part of his wages the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day for the purpose of computing wages In seasonable occupations the employee's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employee in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings In continuous employments if immediately prior to the accident the rate of wages was fixed by the day or hour or by the output of the employee his weekly wages shall be taken to be five and one-half times his average earnings at such rate for a working day and using as a basis of calculation his earnings during so much of the preceding six months as he worked for the same employer Provided however That if the employee regularly and habitually worked more than five and one-half days per week the weekly wage shall be found by multiplying his average earnings for working day by six six and one-half or seven according to the customary number of working days constituting an ordinary week in his occupation or trade Where the employee is working under concurrent contracts with two or more employers his wages from all employers shall be considered as if earned from the employer liable for compensation

In cases where the employee has been in the employ of the employer less than one full week and by reason of the shortness of time during which the employee has been in the employment of the employer or the nature or terms of the employment it is impracticable to ascertain the average weekly wages as hereinbefore provided the average weekly amount which during the six months previous to the injury has been earned by other persons employed by the same employer under similar contracts of hiring or if there are no persons so employed by other persons employed by other employers under similar contracts of hiring under similar conditions shall be taken as the basis for the ascertainment of the weekly wages of such employee

Section 310 Compensation under this article to alien dependent widows and children not residents of the United States shall be two-thirds of the amount provided in each case for residents and the employer may at any time commute all future instalments of compensation payable to alien dependents not residents of the United States by paying to such alien dependents the then value thereof calculated in accordance with the provisions of section three hundred and fourteen of this article Alien [widows children] widowers parents brothers and sisters not residents of the United States shall not be entitled to any compensation

Non-resident alien dependents may be officially represented by the consular officers of the nation of which such alien or aliens may be citizens or subjects and in such cases the consular officers shall have the right to receive for distribution to such non-resident alien dependents all compensation awarded hereunder and the receipts of such consular officers shall be a full discharge of all sums paid to and received by them

Section 311 Unless the employer shall have actual knowledge of the occurrence of the injury or unless the employee or someone in his behalf or some of the dependents or someone in their behalf shall give notice thereof to the employer within [fourteen] thirty days after the accident no compensation shall be due until such notice be given [and unless such notice be given within ninety days after the occurrence of the injury no compensation shall be allowed] or knowledge obtained but if the employee or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law or to his physical or mental inability or to fraud misrepresentation or deceit or to any other reason-

able cause or excuse then compensation shall be allowed unless the employer shall show that he did not know and by reasonable diligence could not have learned of the accident and that he was prejudiced by the delay in which case he shall be relieved to the extent of such prejudice

Section 312 The notice referred to in section three hundred and eleven hereof shall be substantially in the following form

To (name of employer)

You are hereby notified that an injury of the following character (.....) was suffered by (name of employee injured) who was in your employment at (place) while engaged as (kind of employment) on or about the (.....) day of (.....) Anno Domini (.....) and that compensation will be claimed therefor

Date Signed (.....)

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employee by name received an injury the character of which is described in ordinary language in the course of his employment on or about a time specified and at or near a place specified

Section 313 The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the accident occurred or by sending them through the registered mail to the employer at his or its last known residence or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof [Notice served upon] Knowledge of the occurrence of the injury on the part of any of said agents shall be [notice to] the knowledge of the employer

Section 314 At any time after an injury the employee if so requested by his employer must submit himself for examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer. If the employee shall refuse upon the request of the employer to submit to the examination by the physician or physicians selected by the employer the board may upon petition of the employer order the employee to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physician designated by it and paid by the employer and if the employee shall without reasonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article. The board may at any time after such first examination upon petition of the employer order the employee to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employee in order to submit himself to such examination. The refusal or neglect without reasonable cause or excuse of the employee to submit to such examination ordered by the board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employee shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the board

Section 315 In cases of personal injury all claims for compensation shall be forever barred unless within [one year] two years after the accident the parties shall have agreed upon the compensation payable under this article or unless within [one year] two years after the accident one of the parties shall have filed a petition as provided in article four hereof [In cases of death all claims for

compensation shall be forever barred unless within one year after the death the parties shall have agreed upon the compensation under this article or unless within one year after the death one of the parties shall have filed a petition as provided in article four hereof. Where however payments of compensation have been made in any case said limitations shall not take effect until the expiration of one year from the time of the making of the most recent payment prior to date of filing such petition. In cases of death all claims for compensation shall be forever barred unless within two years after the date of death the parties shall have agreed upon the compensation under this article or unless within two years after the date of death one of the parties shall have filed a petition as provided in article four hereof. Where however payments of compensation have been made in any case or an employer has failed to report to the department the occurrence of an injury to his employee as required by law said limitations shall not take effect until the expiration of two years from the time of the making of the last payment or the filing of such report as the case may be

Section 316 The compensation contemplated by this article may at any time be commuted by the board at its then value when discounted at five per centum interest with annual rests disregarding the probability of the beneficiary's death upon application of either party with due notice to the other if it appear that such commutation will be for the best interest of the employee or the dependents of the deceased employee and that it will avoid undue expense or undue hardship to either party or that such employee or dependent has removed or is about to remove from the United States or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets [Provided however That unless the employer agrees to make such commutation the board shall require the employee or the dependents of the deceased employee to furnish proper indemnity safeguarding the employer's rights] Except as provided in section three hundred and ten hereof and in this section no commutation or compensation shall be made

Any person partnership association or corporation who or which shall commute or attempt to commute any compensation directly or indirectly in violation of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or to undergo imprisonment for a period of not more than six (6) months or both in the discretion of the court. No person partnership association or corporation shall be entitled to receive credit for any moneys paid in violation of this section and any such payment shall be considered as a gratuity

Section 317 At any time after the approval of an agreement or after the entry of the award a sum equal to all future instalments of compensation may (where death or the nature of the injury renders the amount of future payments certain) with the approval of the board be paid by the employer to any savings bank trust company or life insurance company in good standing and authorized to do business in this Commonwealth and such sum together with all interest thereon shall thereafter be held in trust for the employee or the dependents of the employee who shall have no further recourse against the employer. The payment of such sum by the employer evidenced by the receipts of the trustee noted upon the prothonotary's docket shall operate as a satisfaction of said award as to the employer. Payments from said fund shall be made by the trustee in the same amounts and at the same periods as are herein required of the employer until said fund and interest shall be exhausted. In the appointment of the trustee preference shall be given in the discretion of the board to the choice of the employee or the dependents of the deceased employee. Should however there remain any unexpended balance of any fund after the payment of all sums due under this act such balance shall be repaid to the employer who made the original payment or to his legal representatives

Section 318 The right of compensation granted by this article of this act shall have the same preference (with-

out limit of amount) against the assets of an employer liable for such compensation as is now or may hereafter be allowed by law for a claim for unpaid wages for labor. Provided however That no claim for compensation shall have priority over any judgment mortgage or conveyance of land recorded prior to the filing of the petition award or agreement as to compensation in the office of the prothonotary of the county in which the land is situated. Claims for payments due under this article of this act shall not be assignable and (except as provided in section five hundred and one of article five hereof) shall be exempt from all claims of creditors and from levy execution or attachment which exemption may not be waived.

Section 319 Where a third person is liable to the employee or the dependents for the injury or death the employer shall be subrogated to the right of the employee or the dependents against such third person less reasonable attorney's fees and other proper disbursements but only to the extent of the compensation payable under this article by the employer. Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employee or to the dependents and shall be treated as an advance payment by the employer on account of any future installments of compensation.

Section 320 (a) If the employee at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age compensation either in the case of injury or death of such employee shall be one hundred and ten per centum of double the amount that would be payable to such minor if legally employed. The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation."

(b) The employer and not the insurance carrier shall be liable for the additional compensation. Any provision in an insurance policy undertaking to relieve an employer from such liability shall be void.

(c) Where death or the nature of the injury renders the amount of future payments certain the total amount of the additional compensation subject to discount as in the case of commutation shall be immediately due and payable. It shall be deposited subject to the approval of the board in any savings bank trust company or life insurance company in good standing and authorized to do business in this Commonwealth.

Where the amount of the future payments of compensation is uncertain the board shall upon the approval of the agreement or the entry of an award determine as nearly as may be the total amount of payment to be made and the additional compensation so calculated shall immediately upon such determination become due and payable by the employer. The amount may be redetermined by the board and any increase shall then become due and payable and any excess which shall be shown to have been paid shall be returned to the person paying the same. Upon determination of the amount due it shall be deposited as above provided. Payments of compensation out of deposits shall be made to the employee or dependents as payments of other compensation are made. Provided however That the board may in its discretion and upon inquiry as in cases of commutation accelerate such payments.

(d) The provisions of the foregoing paragraph (c) shall not apply to employers who are exempted by the department from the necessity of carrying insurance.

(e) Possession of an employment certificate duly issued and transmitted to the employer in accordance with the provisions of the child labor law and receipt thereof duly acknowledged by him shall be conclusive evidence to such employer of his legal right to employ the minor for whose employment such certificate has been issued.

(f) The possession of an age certificate duly issued and transmitted to the employer by the school authorities of the school district in which a minor resides shall be conclusive evidence to the employer of the minor's age as certified therein.

(g) If neither party has elected not to be bound by the provisions of article three of the act to which this act is an amendment in the manner prescribed by section three hundred and two of said act they shall be held to have agreed to be bound by the provisions of this act and to have waived any other right or remedy at law or in equity for the recovery of damages for injuries occurring under the circumstances herein described.

Article IV

Procedure

Section 401 The term "Referee" when used in this article shall mean Workmen's Compensation Referee.

The term "Fund" when used in this article shall mean the State Workmen's Insurance Fund of this Commonwealth.

The term "Employer" when used in this article shall mean the employer as defined in article one of this act or his duly authorized agent or his insurer if such insurer has assumed the employer's liability or the fund if the employer be insured therein.

Section 402 All proceedings before the board or any referee and all appeals to the board shall be instituted by petition addressed to the board. All petitions shall be in writing and in the form prescribed by the board.

Section 403 All petitions all copies of agreements for compensation and all papers requiring action by the board shall be mailed or delivered to the department at its principal office.

Section 404 The department shall immediately upon their receipt properly file and docket all petitions agreements for compensation findings of fact by the board or any referee awards or disallowances of compensation or modifications thereof and all other reports or papers filed with it under the provisions of this act or the rules and regulations of the board.

Section 405 Immediately upon receiving from the board or any referee any award or disallowance of compensation or any modification thereof or any other decision the department shall serve a copy thereof on all parties in interest.

Section 406 All notices and copies to which any party shall be entitled under the provisions of this article shall be served by mail or in such manner as the board shall direct. For the purposes of this article any notice or copy shall be deemed served on the date when mailed properly stamped and addressed and shall be presumed to have reached the party to be served but any party may show by competent evidence that any notice or copy was not received or that there was an unusual or unreasonable delay in its transmission through the mails. In any such case proper allowance shall be made for the party's failure within the prescribed time to assert any right given him by this act.

The department the secretary and every referee shall keep a careful record of the date of mailing every notice and copy required by this act to be served on the parties in interest.

Section 407 On or after the seventh day after any accident shall have occurred the employer and employee or his dependents may agree upon the compensation payable to the employee or his dependents under this act but any agreement made prior to the seventh day after the accident shall have occurred or permitting a commutation of payments contrary to the provisions of this act or varying the amount to be paid or the period during which compensation shall be payable as provided in this act shall be wholly null and void. It shall be unlawful for any employer to accept a receipt showing the payment of compensation when in fact no such payment has been made.

All agreements made in accordance with the provisions of this section shall be in writing and signed by all parties in interest.

It shall be unlawful for any employer to procure or to cause to be procured the signature of any employee or of the dependents of any employee or of other persons in interest to any agreement or supplemental agreement which is not complete in every material respect and any

employer so doing shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of one hundred dollars (\$100.00) for each offense

All agreements for compensation and all supplemental agreements for the modification suspension reinstatement or termination thereof and all receipts executed by any injured employee of whatever age or by any dependent to whom compensation is payable under section three hundred and seven and who has attained the age of sixteen years shall be valid and binding unless modified or set aside as hereinafter provided

Section 408 All agreements for compensation may be modified suspended reinstated or terminated at any time by a supplemental agreement approved by the department if the incapacity of an injured employee has increased decreased recurred or temporarily or finally terminated if the status of any dependent has changed

Section 409 Whenever an agreement or supplemental agreement shall be executed between an employer and an employee or his dependents as provided by this act such agreement shall be executed in triplicate Two copies thereof signed by all parties in interest shall be mailed or delivered to the department within thirty days after execution by the employer It shall be the duty of the department to examine the agreement to determine whether it conforms to the provisions of section four hundred and seven to notify the parties thereto of its validity or invalidity under the aforesaid section within thirty days after the copies of the agreement have been mailed or delivered to it and if the agreement be approved to send to the employee together with such notification of its approval a copy of the agreement Provided however That any payment made in accordance with any agreement prior to the receipt of notice of invalidity shall discharge pro tanto the liability under article three of this act of the employer making such payments

Whenever an agreement or a supplemental agreement is disapproved by the department the employer shall pay to the employee compensation on the basis of such agreement to such extent as the agreement would if approved require Compensation on the basis of such agreement shall be paid until such time as the employer's liability for compensation is finally determined under the provisions of this act Any payments made by an employer in accordance with such agreement shall discharge pro tanto his liability for such compensation as may be subsequently determined to be due the employee under the provisions of this act

Any employer who shall fail to mail or deliver to the department two copies of any agreement or supplemental agreement within thirty days after such agreement or supplemental agreement is executed by the claimant shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25.00) for each such failure

Section 410 If after any accident the employer and the employee or his dependent concerned in any accident shall fail to agree upon the facts thereof and the compensation due under this act the employee or his dependents or the department for and on behalf of such employee or his dependents whenever an agreement or supplemental agreement has been disapproved by the department or it shall otherwise deem it to be in the interests of justice to do so may present a claim for compensation to the board All allegations contained in the claim petition must be separately and specifically admitted or denied by the defendant Claimant shall have a right upon a petition to the referee and his order thereon to inspect the premises where the claimant's alleged injury was received

Whenever any claim for compensation is presented to the board other than claims of nonresident alien dependents and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum [from the day such claim is presented] beginning fourteen days after the date of the accident and such in-

terest shall be payable to the same persons as the compensation is payable

In case any claimant shall die before the final adjudication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependents then to the estate of the decedent

Section 411 Whenever the employer and the employee or his dependent shall on or after the seventh day after any accident agree on the facts on which a claim for compensation depends but shall fail to agree on the compensation payable thereunder they may petition the board to determine the compensation payable Such petition shall contain the agreed facts and shall be signed by all parties in interest The board shall fix a time and place for hearing the petition and shall notify all parties in interest

As soon as may be after such hearing the board shall award or disallow compensation in accordance with the provisions of this act

Section 412 If any party shall desire the commutation of future instalments of compensation he shall present a petition therefor to the board

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an original or supplemental agreement upon petition filed by either party with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement [was procured by the fraud coercion or other improper conduct of a party or was founded upon a mistake of law or of fact Provided That except in the case of eye injuries an agreement can only be reviewed modified or set aside if a petition is filed with the board within one year after the date of the most recent payment of compensation made prior to the filing of such petition] in any material respect is incorrect

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of an injured employee has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of the date upon which it is shown that the disability of the injured employee has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed Provided That except in the case of eye injuries an agreement or an award can only be reviewed modified or reinstated [during the time such agreement or award has to run if for a definite period and except in the case of eye injuries no agreement or award shall be reviewed or modified or reinstated unless] if a petition is filed with the board within one year after the date of the [most recent] last payment of compensation [made prior to the filing of such petition] with or without an agreement

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award [in whole or] to such extent as the facts alleged in the petition would if proved require except that the filing of a petition relative to a change in or termination of the disability of an injured person shall not act as a supersedeas unless such petition contains an affidavit by a physician that he has examined the claimant a percentage estimate of the extent of disability and that the petitioner in his opinion is entitled to the relief prayed for in the petition Payment must be made

up to date of the filing of the petition to terminate and in the case of a petition to modify in accordance with the per centum of liability admitted in such petition. In any such action to terminate or modify the burden of proof shall be upon the party filing such petition. No petition to terminate or modify an existing agreement or award shall be filed while said agreement or award is being adjudicated.

Section 414 Whenever a claim petition or other petition is presented to the board the board shall by general rules or special order either direct it to be heard by one or more members of the board or assign it to a referee for hearing. Provided however That petitions presented under sections four hundred and eleven and four hundred and twelve shall be heard by one or more members of the board.

The department shall serve upon each adverse party a copy of the petition together with a notice that such petition will be heard by the board or the referee to whom it has been assigned (giving his name and address) as the case may be and if the petition shall have been assigned to a referee shall mail the original petition to such referee together with copies of the notices served upon the adverse parties.

Section 415 At any time before an award or disallowance of compensation or order has been made by a referee to whom a petition has been assigned the board may order such petition heard before it or one or more of its members or any reassign it to any other referee. Unless the board shall otherwise order the testimony taken before the original referee shall be considered as though taken before the board or substituted referee.

Section 416 Within ten days after a copy of any petition has been served upon any adverse party he may file with the secretary of the board if the petition has been directed to be heard by the board or with the referee if the petition has been assigned to a referee an answer in the form prescribed by the board.

Every fact alleged in a petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him. But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or referee before whom the petition is heard from requiring of its or his own motion proof of such fact.

Section 417 As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereof the board shall fix a time and place for hearing the petition. If a petition be assigned to a referee he shall twelve days after notice that such petition has been assigned to him has been served upon the adverse parties fix a time and a place for hearing the petition. Such hearing shall not be less than [seven] five nor more than fourteen days after the mailing of notice thereof by the referee. The secretary of the board if the petition has been directed to be heard by the board or by one or more of its members or the referee to whom the petition has been assigned shall serve upon all parties in interest a notice of the time and place of hearing and shall serve upon the petitioner a copy of any answer of any adverse party.

Section 418 The board if a petition is directed to be heard by it or by one or more of its members or the referee to whom a petition is assigned for hearing may subpoena witnesses order the production of books and other writings and hear evidence and shall make in writing and as soon as may be after the conclusion of the hearings such findings of fact conclusions of law and award or disallowance of compensation or other order as the petition and answers and the evidence produced before it or him and the provisions of this act shall in its or his judgment require. The findings of fact made by the board in any petition heard by it or by one or more of its members or upon a hearing de novo shall be final except as hereinafter provided and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the

provisions of section four hundred and nineteen shall be final unless an appeal is taken as provided in this act or unless the board shall under the provisions of section four hundred and twenty-five of this article grant a hearing de novo or a rehearing.

Section 419 The board may refer any question of fact arising under any petition including a petition for commutation heard by it to a referee to hear evidence and report to the board the testimony taken before him or such testimony and findings of fact thereon as the board may order. The board may refer any question of fact arising out of any petition assigned to a referee to any other referee to hear evidence and report the testimony so taken thereon to the original referee.

Section 420 The board or a referee if it or he deem it necessary may of its or his own motion either before during or after any hearing make an investigation of the facts set forth in the petition or answer. The board or referee with the consent of the board [may] shall whenever it shall be deemed in the interest of justice to do so appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon or he may employ the services of such other experts as shall appear necessary to ascertain the facts. The report of any physician surgeon or expert appointed by the board or by a referee shall be filed with the board or referee as the case may be and shall be a part of the record and open to inspection as such. The board shall fix the compensation of such physicians surgeons and experts which when so fixed shall be paid [out of the sum appropriated to the Department of Labor and Industry for the maintenance of the department and shall be taxed as part of the costs of the proceedings to be repaid to such department by either party or both as the board may direct. If any sum so taxed shall not be paid by the party directed to repay the same may be collected as costs are now collectible] by the employer to the physician surgeon or expert. If any employer shall fail to pay such cost promptly the physician surgeon or expert may proceed to collect the same in the manner provided in this act for the collection of awards of compensation.

The claimant shall be permitted to engage the services of medical surgical or other experts of his own choosing to examine his injuries and to testify with regard thereto before the referee. The compensation of such experts totaling up to one hundred dollars (\$100) shall be paid by the employer upon petition to the referee filed by the claimant when in the opinion of such referee it shall appear to be reasonably necessary that such services are required by the claimant for the proper presentation of his claim.

Section 421 All hearings before the board or one or more members thereof or before a referee shall be public.

Section 422 Neither the board nor any of its members nor any referee shall be bound by the technical rules of evidence in conducting any hearing or investigation but all findings of fact shall be based only upon [sufficient] competent evidence [to justify same].

If any party or witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the board or a referee his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the board may by special order or general rule prescribe. The records kept by a hospital of the medical or surgical treatment given to an employee in such hospital shall be admissible as evidence of the medical and surgical matters stated therein but shall not be conclusive proof of such matters.

Section 423 Any party in interest may within twenty days after notice of a referee's award or disallowance of compensation shall have been served upon him take an appeal to the board on the ground (1) that the award or disallowance of compensation is not in conformity with the terms of this act or that the referee committed any other error of law (2) that the findings of fact and award or disallowance of compensation was unwarranted.

by [sufficient competent] the evidence or was procured by fraud coercion or other improper conduct of any party in interest. The board may upon cause shown extend the time provided in this article for taking such appeal or for the filing of an answer or other pleading.

In any such appeal the board may disregard the findings of fact of the referee and may examine the testimony taken before such referee and if it deem proper may hear other evidence and may substitute for the findings of the referee such findings of fact as the evidence taken before the referee and the board as hereinbefore provided may in the judgment of the board require and may make such disallowance or award of compensation or other order as the facts so founded by it may require.

Section 424 Whenever an appeal shall be based upon an alleged error of law it shall be the duty of the board to grant a hearing thereon. The board shall fix a time and place for such hearing and shall serve notice thereof on all parties in interest.

As soon as may be after such hearing the board shall either sustain or reverse the referee's award or disallowance of compensation or make such modification thereof as it shall deem proper.

Section 425 Whenever an appeal shall be taken on the ground that the referee's award or disallowance of compensation was unwarranted by the evidence or because of fraud coercion or other improper conduct by any party in interest the board may in its discretion grant a hearing de novo before the board or one or more of its members or assign the petition for rehearing to any referee designated by it or sustain the referee's award or disallowance of compensation. If the board shall grant a hearing de novo it shall fix a time and place for same and shall notify all parties in interest.

As soon as may be after any hearing de novo by the board it shall in writing state its findings of fact and award or disallow compensation in accordance with the provisions of this act.

Section 426 The board upon petition of any party and upon cause shown at any time before the court of common pleas of any county of this Commonwealth to which an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon may grant a rehearing of any petition upon which the board or referee has made an award or disallowance of compensation or other order or ruling or upon which the board has sustained or reversed any action of a referee. The time for taking appeals shall be suspended pending the determination of the first petition for rehearing in those cases in which such petition is filed within twenty days from notice of decision of the Workmen's Compensation Board but such rehearing shall not be granted more than [one year] two years after the board has made such award disallowance or other order or ruling or has sustained or reversed any action of the referee. If the board shall grant a rehearing of any petition from [the board's] its action on which an appeal has been taken to and is pending in the court of common pleas of any county of this Commonwealth under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board. Provided however That nothing contained in this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an original or supplemental agreement or an award in accordance with the provisions of section four hundred thirteen of this article.

Section 427 Any party may appeal from any action of the board on matters of the law to the court of common pleas of the county in which the accident occurred or of the county in which the adverse party resides or has a permanent place of business or by agreement of the parties to the court of common pleas of any other county of this Commonwealth. Such appeal must be brought within twenty days after notice of the action of the

board has been served upon such party unless any court of common pleas to which an appeal lies shall upon cause shown extend the time herein provided for taking the appeal. The party taking the appeal shall at the time of taking the appeal serve upon the adverse party a written notice thereof setting forth the date of the appeal and the court in which the same is filed and shall file either with his notice of appeal or within thirty days thereafter such exceptions to the action of the board as he may desire to take and shall specify the findings of fact if any of the board or of the referee sustained by the board which he alleges to be unsupported by competent evidence.

Upon filing of the notice of an appeal the prothonotary of the court of common pleas to which the appeal has been taken shall issue a writ of certiorari directed to the board commanding it within ten days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken. The writ so issued shall be mailed by the prothonotary to the department at Harrisburg together with a copy of the exceptions. The board shall within ten days after such service certify to such court its entire record in the matter in which the appeal has been taken including the notes of testimony.

Any court before whom an appeal is pending from any action of the board may remit the record to the board for more specific findings of fact if the findings of the board or referee are not in its opinion sufficient to enable it to decide the question of law raised by the appeal.

If the court of common pleas of any county of this Commonwealth shall affirm an award or order of the board or of a referee sustained by the board fixing the compensation payable under this act the court shall enter judgment for the total amount stated by the award or order to be payable whether then due and accrued or payable in future instalments. If such court shall sustain the appellant's exceptions to a finding or findings of fact and reverse the action of the board founded thereon the court shall remit the record to the board for further hearing and determination in which the procedure shall be the same as that hereinbefore provided in this article in the case of a petition presented to the board except that the board may order that any part of the testimony taken in the original proceedings [shall] may be considered as though taken in such further hearing.

The prothonotary of any court of common pleas to which an appeal has been taken from the board shall send to the board a certificate of the judgment of the court as soon as rendered with a copy of any opinion which may be filed in the case and within five days shall give notice of such judgment and the date thereof by registered mail to each attorney-at-law appearing in the case at the address given by the attorney in the pleadings and if no attorney-at-law has appeared by registered mail to the party or parties not represented by counsel. At the end of the period hereinafter allowed for an appeal from the judgment of the court the record of the board shall be remitted to it by the prothonotary unless an appeal shall have been taken to the Superior Court as hereinafter provided. If such appeal shall be taken the record shall be remitted to the board by the prothonotary on its return from the appellate court.

Any party may appeal to the Superior Court from the judgment of the court of common pleas within thirty days after entry of said judgment irrespective of the amount involved. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Superior Court and the record so certified shall contain all that was before the court of common pleas. Any appeal from the action of the board to a court of common pleas and from it to the Superior Court shall take precedence over all other civil actions. The judgment of the Superior Court shall be final unless an appeal therefrom is allowed by the Supreme Court as in the case of other judgments of [that tribunal] the Superior Court.

Section 428 At any time after the approval of a com-

compensation agreement or after an award or order has been made by the board or referee the department the employee or dependents entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the court of common pleas of any county and the prothonotary shall enter the total amount of compensation stated in the agreement award or order to be payable to the employee or his dependents when then due and accrued or payable in future installments as a judgment against the employer or other party liable under such agreement or award. Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith.

Wherever after an accident any employee or his dependents shall have entered into a compensation agreement with his employer or shall file a claim petition with the board he may file a certified copy thereof with the prothonotary of the court of common pleas of any county. The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as judgment against the employer. If the agreement be approved by the department or compensation awarded as claimed in the petition the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with the prothonotary. Pending the approval of the agreement or the award of compensation no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition.

If the agreement be disapproved or after hearing compensation shall be disallowed the employer may file with the prothonotary of any county in which the petition or agreement is on record as a judgment a certified copy of the disapproval of the agreement or disallowance of compensation and it shall be the duty of such prothonotary to strike off the judgment.

If the amount of compensation claimed be disallowed but another amount awarded the compensation judgment shall be a lien to the extent of the award as of the date of filing the petition with the prothonotary with the same effect as to other liens and the same disability to issue execution thereon as if the compensation claimed had been allowed. In such cases the prothonotary shall make such modification of the record as shall be appropriate.

If the compensation payable under any agreement or award upon which judgment has been entered under the provisions of this section shall be modified suspended reinstated or terminated by a supplemental agreement executed under the provisions of section four hundred and eight or by an award or order made under the provisions of section four hundred and thirteen any party to such judgment at any time after such agreement has been approved by the department or after the expiration of the time allowed for an appeal from the award or order may file with the prothonotary of the court of common pleas of any county in which the judgment is on record a certified copy of such supplemental agreement award or order and it shall thereupon be the duty of the prothonotary to modify suspend reinstate or satisfy such judgment in accordance with the terms of such supplemental agreement award or order.

Execution may issue by first filing with the prothonotary an affidavit that there has been a default in payments of compensation due on any judgment for compensation entered prior to the approval of the compensation agreement or an award on petition as soon as such agreement shall have been approved by the department or such award made as evidenced by the approval of the board of the award or by a certified copy thereof.

Execution shall in all cases be for the amount of compensation and interest thereon due and payable up to the date of the issuance of said execution with costs and further execution may issue from time to time as further compensation shall become due and payable until full

amount of the judgment with costs shall have actually been paid.

Section 429 If any party against whom a compensation agreement award or other order fixing the compensation payable under this act has been filed of record in any county of this Commonwealth in accordance with the provisions of section four hundred and twenty-eight of this article or against whom judgment has been entered by the prothonotary of the court of common pleas or any county on any award or order of the board or a referee shall at any time present to the board receipts or copies thereof certified by any referee showing the payment of compensation as required by the agreement or award in full to the date of presentation to the referee the board shall issue a certificate to such party in the form prescribed stating the extent to which the judgment on the agreement or award has been reduced. Upon the presentation of such certificate to the prothonotary of the court of common pleas of any county in which such agreement or award has been filed of record as a judgment or in which judgment on an award has been entered by the prothonotary of the court of common pleas it shall be the prothonotary's duty to mark such judgment satisfied to the extent of the payment so certified and upon the presentation to such prothonotary of a certificate issued by the board under the provisions of section three hundred and seventeen of this act it shall be the duty of the prothonotary to mark such judgment fully satisfied.

Section 430 The lien of any judgment entered upon any award shall not be divested by any appeal. If however the party appealing from the award shall file with the board a bond in such amount and in such form as the rules and regulations of the board shall direct the appeal shall pending its decision excuse the payment of so much of the compensation as is contested therein but if the final decision on appeal shall sustain the award it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award. If on appeal the award is sustained as to a part it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award. In case the award is annulled on appeal it shall be the duty of the prothonotary of any county in which such award has been entered as a judgment to mark it satisfied.

Section 431 The cost of the prothonotary for entering the amount of compensation as provided in this act or making a modification of the record or marking the judgment satisfied shall be allowed taxed and collected as upon a confession of judgment on a judgment note.

Section 432 It shall be the duty of the prothonotary of each court of common pleas and of the Supreme and Superior Court of the Commonwealth to make a monthly report to the board of the disposition of all appeals taken to such court under the provisions of this article.

Section 433 A document on file in the department or with the board or any referee or part of the record of any proceedings taken under Article III and IV of this act shall be proved by a copy thereof certified by the department under the seal of the department or certified by the chairman of the board and attested by the secretary of the board under seal of the board as the case may be.

Section 434 A final receipt given by an employee or dependent entitled to compensation under a compensation agreement or award reciting that the disability or dependency has terminated shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award. Provided however That the board or a referee designated by the board may at any time within [two years from the date to which payment is made as evidenced by such final receipt] six hundred weeks from the date of the injury set aside a final receipt upon petition filed with the board if it be [conclusively] proved that [such receipt was procured by fraud coercion or other improper conduct of a party or is founded upon mistake of law or of fact] at the time of the execution of the receipt the injured employee was not in fact able to return to work without loss of earning power or that the employee had a condition which re-

sulted from the accident which condition existed at the time the compensation agreement was executed and which was not covered by such agreement or that the employee had an existing disability at the time the final receipt was taken

Payments shall be made by the employer or insurance carrier on every agreement or award other than for a definite period until a final receipt has been filed with and approved by the department or until a petition to terminate or modify has been filed under section four hundred and thirteen

Section 435 Any hospital institution physician surgeon or other person who has furnished surgical medical dental or nursing services hospital treatment artificial appliances medicines or supplies for which the employer is made liable under the provisions of this act shall be deemed a party in interest and have standing with consent of the claimant before the board or any referee designated by the board and the courts of this Commonwealth to present a claim for remuneration for such services hospital treatment artificial appliances medicine and supplies and have the same heard and determined and shall be entitled to receive an award for such remunerations Any such claimant shall be entitled to enforce any such award in the same manner as claimants of compensation are entitled to enforce awards of compensation

Section 436 The board or a referee designated by the board or any court of this Commonwealth in granting an award of compensation to an injured employee or his dependents or in affirming or modifying and affirming such an award or in reversing the disallowance of such an award shall in addition to such compensation include in such an award or judgment expert's fees if any rendered in any such proceeding payment of which may be enforced in the same manner as the payment of an award may be enforced under the provisions of this act

Section 437 Any claimant may appear in person or be represented by a counsel learned in the law

Article V

General Provisions

Section 501 No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid or binding in any respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the common pleas court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article three of this act shall be an enforceable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the board Any such claim or agreement shall be filed with the department which shall as soon as may be notify the person by whom the same was filed of the board's approval or disapproval thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreement for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employee's compensation is payable by the employer in periodical instalments the board shall fix at the time of approval the proportion of each instalment to be paid on account of legal services and disbursements

Section 502 If any provision of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of this act except that articles two and three are hereby declared to be inseparable and as one legislative thought [and if either article be declared by such court void or inoperative in an essential part so that the whole or such article must fall the other article shall fall with it and not stand alone]

Section 503 All fines and except as otherwise provided in this act all fees received collected or recovered under

the provisions of this act shall be paid to the department and by it paid into the State Workmen's Insurance Fund and such fines and fees are hereby appropriated for the same purposes for which all other moneys are credited to such fund

Section [503] 504 Nothing in this act shall affect or impair any right of action which shall have accrued before this act shall take effect [except that because litigation is now pending as to the constitutionality of the compensation schedules contained in the amendment of this act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1552) the department is hereby authorized to approve agreements or supplemental agreements and the board and referees are hereby authorized to make awards effectuating agreements compromising disputes between employers and employees or their dependents as to the amount of compensation payable in cases arising out of accidents occurring between January first one thousand nine hundred and thirty-eight and the effective date of this reenactment of this act if such agreements or supplemental agreements provide for or the parties to cases pending before the board or referees have agreed to the payment of compensation at the rate and for the periods specified in this reenactment of this act]

Section [504] 505 The following acts are hereby specifically repealed

The act approved the third day of June one thousand nine hundred fifteen (P. L. 777) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" and its amendments

The act approved the fourteenth day of May one thousand nine hundred twenty-five (P. L. 714) entitled "A supplement to an act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' providing for the payment of compensation to volunteer firemen or their dependents"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 2 The provisions of this act shall become effective ten days after its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, just a word. Confusion confounded among the gentlemen on their program on the other side on this bill, not because the gentleman from Philadelphia, Mr. Levy changed his vote, because maybe I had a sneaking suspicion about why he did that, but here we started out with a workmen's compensation act in order to give some foundation for its passage and to overcome the arguments that lead to the same confusion and the same things that occurred and happened in 1937. We started out with a Communistic program, and then we turned around and abandoned that,—and I think wisely. Then we started out with a compulsory program, and we defeated that,—you haven't abandoned it—some of you must have some idea that there must be some other excuse, there must be some other reason or some other bill on second reading.

The answer was given two months ago on the floor of the Senate. There is only one other thing that I am going to point out, and that is if you are going to get number 1639 back again,—and there is some indication

of intent on the part of some of the people on the other side to do that, we now have the situation in which you would re-enact the 1937 act and amend it as to compensation, and we just voted down an act which would repeal those articles and would repeal a large part of this provision of articles three which we are now voting on to reenact.

In other words, these bills, either separately or jointly are not in position to carry out any sort of program and should not even be voted on today.

I realize, Mr. Speaker, that the gentlemen on the other side cannot justify this to the workingmen of Pennsylvania by passing House Bill 1002 unless they have some answer to what might happen again, and so they floundered around. They have three different offerings on three different days, one yesterday, one today and still another tomorrow, and I submit, Mr. Speaker, that none of them is sound.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—142

Achterman,	Flynn,	Lovett,	Reese, R. E.,
Auker,	French,	Lyons,	Regan,
Baker,	Gallagher,	Malloy,	Reynolds,
Balthaser,	Gates,	Marks,	Rhea,
Bentley,	Gerard,	Maxwell,	Rooney,
Bentzel,	Goodwin,	McClanaghan,	Rose, S.,
Boles,	Greenwood,	McDermott,	Rose, W. E.,
Boney,	Gross,	McFall,	Rush,
Bradley,	Gryskiewicz,	McLanahan,	Sarrafi,
Breth,	Haberlen,	McLane,	Scanlon,
Brunner, C. H.,	Haines,	McMillen,	Schwab,
Brunner, P. A.,	Hamilton,	McSurdy,	Shaffer,
Burns,	Harkins,	Melchiorre,	Shepard,
Burris,	Harmuth,	Mihm,	Skale,
Cadwalader,	Harris,	Monks,	Stine,
Chervenak,	Heatherington,	Mooney,	Tarr,
Cochran,	Herman,	Moran,	Tate,
Cohen, M. M.,	Hersch,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Hirsch,	Munley,	Thompson, R. L.,
Cooper,	Holland,	Nagel,	Trout,
Cordier,	Jefferson,	Nunemacher,	Vincent,
Croop,	Jones, P. N.,	O'Brien,	Vogt,
Cullen,	Keenan,	O'Connor,	Voldow,
Dairymple,	Kenehan,	O'Dare,	Watkins,
Dennison,	Kline,	O'Mullen,	Welsh,
DiGenova,	Kolankiewicz,	O'Neill,	Welsh, E. B.,
Dolon,	Komorowski,	Owens,	Welsh, M. J.,
D'Ortona,	Krise,	Petrosky,	Wilkinson,
Duffy,	Lee, E. A.,	Pettit,	Williams,
Early,	Lee, T. H.,	Polaski,	Wolf,
Elliott,	Leonard,	Polen,	Woodring,
Falkenstein,	Lesko,	Powers,	Wright,
Finestone,	Levy,	Prosen,	Yester,
Finnerty,	Leydic,	Rank,	Young,
Fisher,	Lichtenwalter,	Rausch,	Kilroy,
Fleming,	Longo,	Readinger,	Speaker.

NAYS—22

Bretherick,	Habbyshaw,	Muir,	VanAllsburg,
Cook,	Hare,	Reagan,	Wagner,
Dix,	Helm,	Serrill,	Weingartner,
Ely,	Hewitt,	Stockham,	Woodside,
Fiss,	McClester,	Turner,	Yeake,
For,	McKinney,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. HARE filed the following reasons for his vote:

I voted against this bill for the reason that it increases the maximum rates to the point where many of the coal operators would have to reject the measure and thus leave thousands of the miners in Somerset County and the Commonwealth without protection. We would have a repetition of the chaos of 1937 were this bill to become a law.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 990, as follows:

An Act to amend section one hundred and eight of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" by further defining the term "occupational disease"

The General Assembly of the Commonwealth of Pennsylvania hereby acts as follows

Section 1 Section one hundred and eight of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" is hereby amended to read as follows

Section 108 The term "occupational disease" as used in this act shall mean only the following diseases

(a) Poisoning by arsenic lead mercury or manganese their preparations or compounds in any occupation involving direct contact with handling thereof or exposure thereto

(b) Poisoning by phosphorus its preparations or compounds in any occupation involving direct contact with handling thereof or exposure thereto

(c) Poisoning by methanol carbon bisulphide hydro carbon distillates (naphthas and others) or halogenated hydro carbons or any preparations containing these chemicals or any of them in any occupation involving direct contact with handling thereof or exposure thereto

(d) Poisoning by benzol or by nitro amido or amino derivatives of benzol (dinitro-benzol anilin and others) or their preparations or compounds in any occupation involving direct contact with handling thereof or exposure thereto

(e) Caisson disease (compressed air illness) resulting from engaging in any occupation carried on in compressed air

(f) Radium poisoning or disability due to radio-active properties of substances or to Roentgen-ray (X-rays) in any occupation involving direct contact with handling thereof or exposure thereto

(g) Poisoning by or ulceration from chromic acid or bichromate of ammonium bichromate of potassium or bichromate of sodium or their preparations in any occupation involving direct contact with handling thereof or exposure thereto

(h) Epitheliomatous cancer or ulceration due to tar pitch bitumen mineral oil or paraffin or any compound product or residue of any of those substances in any occupation involving direct contact with handling thereof or exposure thereto

(i) Infection or inflammation of the skin due to oils cutting compounds lubricants dust liquids fumes gases or vapor in any occupation involving direct contact with handling thereof or exposure thereto

(j) Anthrax occurring in any occupation involving the handling of or exposure to wool hair bristles hides or skins or bodies of animals either alive or dead

(k) Silicosis or anthraco-silicosis (commonly known as Miner's Asthma and hereinafter referred to as anthraco-silicosis) in any occupation involving direct contact with handling of or exposure to dust of silicon dioxide (SiO_2)

(l) Asbestosis in any occupation involving direct contact with handling of or exposure to the dust of asbestos

(m) Any infection or inflammation of the person due to bacterial or parasitic agents in any occupation involving direct contact with handling thereof or exposure thereto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—137

Achterman,	Finnerty,	Leydic,	Readinger.
Baker,	Fisher,	Longo,	Reese, R. E.
Balthaser,	Fleming,	Lovett,	Regan,
Baughner,	Flynn,	Malloy,	Reynolds,
Bentley,	French,	Marks,	Rhea,
Bentzel,	Gallagher,	Maxwell,	Rose, S.
Boles,	Gates,	McClanaghan,	Rose, W. E.
Boney,	Gerard,	McDermott,	Royer,
Bower,	Goodwin,	McFall,	Rush,
Bradley,	Greenwood,	McIntosh,	Sarraff,
Breth,	Gross,	McLanahan,	Scanlon,
Brown,	Gryskewicz,	McLane,	Schwab,
Brunner, C. H.	Haberlen,	McSurdy,	Shaffer,
Brunner, P. A.	Haines,	Melchiorre,	Shepard,
Burns,	Hamilton,	Mihm,	Stine,
Burris,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenak,	Harris,	Mooney,	Thompson, R. L.
Cohen, M. M.	Heatherington,	Moran,	Trout,
Cohen, R. E.	Herman,	Moul,	Vincent,
Cooper,	Hersch,	Munley,	Vogt,
Cordier,	Hirsch,	Nagel,	Voldow,
Corrigan,	Holland,	Nunemacher,	Watkins,
Croop,	Jefferson,	O'Brien,	Wells,
Cullen,	Jones P. N.	O'Connor,	Welsh, E. B.
Dalrymple,	Keenan,	O'Mullen,	Welsh, M. J.
Dennison,	Kenehan,	O'Neill,	Wilkinson,
DiGenova,	Kilne,	Owens,	Williams,
Dolon,	Kolankiewicz,	Petrosky,	Wolf,
D'Ortona,	Komorowski,	Pettit,	Woodring,
Early,	Krise,	Polaski,	Wright,
Elliott,	Lee, T. H.	Polen,	Yester,
Falkenstein,	Leonard,	Powers,	Young,
Finestone,	Lesko,	Prosen,	Kilroy.
	Levy,	Rausch,	Speaker

NAYS—21

Auker,	Habbyshaw,	Lelsey,	Turner,
Bretherick,	Helin,	McKinney,	Van Allsburg,
Cook,	Hewitt,	Muir,	Wagner,
Ely,	Imbrie,	Reese, D. P.,	Weingartner,
Fiss,	Lee, E. A.,	Serrill,	Woodside,
Foor,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 448, entitled:

An Act to further amend clause (e) of section seven and to amend the first paragraph of section nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by redefining eligibility for assistance providing for appeals from certain decisions of the Department of Public Assistance to common pleas courts and imposing powers and duties on common pleas court

The first section was read.

On the question,

Will the House agree to the section?

Mr. BROWN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, lines 1 to 6, by striking out the following: "whose philosophy doctrine or" in line 1, and all of lines 2 to 6, both inclusive.

Amend Sec. 1, page 2, line 1, by striking out the words "or the overthrow thereof" and inserting in lieu thereof: "who hereafter advocates and actively participates by an overt act or acts in a movement proposing a change in the form of Government of the United States by means not provided for in the Constitution of the United States."

Amend Sec. 1, page 2, line 8, by inserting after the word "causes" the following: "Provided, That all employees, not having the right to be heard, under any civil service or tenure law, on the question of his dismissal, shall have the right to appeal by petition to the court of common pleas of the county where he resides, which court, after hearing, on such notice to the petitioner and to the persons in charge of the agency by which he is employed, as the court shall designate, shall have power to affirm or reverse the action of such agency, as it shall deem proper. The decision of the court of common pleas shall be final. Said appeal as aforesaid shall operate as a supersedeas of any order. At such hearing, the burden of proof shall be on the Commonwealth or any political subdivision or authority or institution thereof as aforesaid."

On the question,

Will the House agree to the amendments?

Mr. WOODSIDE. Mr. Speaker, it seems to me these amendments and the amendments that I understand will be submitted to the bills to be called up next, provide particularly as follows:

"Those who advocate and actively participate in a

movement proposing a change in the form of government of the United States by means not provided for in the Constitution of the United States—",—it seems to me that those amendments merely say, "You cannot commit treason." You can not commit treason now. If you are going to do an overt act or acts in a movement proposing a change in the form of the government in a manner not provided in the Constitution, it seems to me you are committing an act of treason, and if your bill doesn't mean anything more than that, I don't think it's worth the paper it is written on.

Mr. BROWN. It seems to me, Mr. Speaker, that the gentleman from Dauphin is somewhat excited. I think this language is perfectly clear. May I read it, Mr. Speaker, so that I may try to give the gentleman from Dauphin, Mr. Woodside, the interpretation that I think the court may give to it. I quote:

"Those persons who hereafter advocate and actively participate by an overt act or acts, in a movement proposing a change in the form of the government of the United States by means not provided for in the Constitution of the United States."

I think, first of all, the court would have to find that the movement proposed a change in the form of government of the United States by means not provided for in the Constitution of the United States. If the court should find that to be a fact, the court then would move to find out whether or not the person advocated and actively participated by an overt act or acts. It doesn't necessarily mean treason. It may mean treason, but under the interpretation here I think the court could very well find that a person who lent aid and assistance by financial help or participated by an overt act in any manner, shape or form in this movement could be found under this act not to be entitled to employment in the Commonwealth of Pennsylvania.

I do not think the gentleman from Dauphin, Mr. Woodside, has given the amendment careful consideration. I would be glad to answer any interrogation, but I think it is broad, it is sweeping, and I think most assuredly it will meet all of the requirements that we have in mind concerning this type of legislation.

I should like to say that this is dangerous legislation to begin with, and of course, the original bill had something to do with trying to find out a man's philosophy, which was in my opinion absurd,—we never could find that out. We have come down to this act now and say certain "overt act or acts" of certain people,—and we judge people by their acts instead of their thoughts. If the gentleman from Dauphin has better words for it or better English, I certainly, as one of the originators of this amendment would be very, very happy to receive it.

Mr. WOODSIDE. Mr. Speaker, I have great respect for the gentleman's ability, and I will admit that I only received this amendment two or three minutes ago, and therefore, have not had time to give it as serious consideration as I would like to have given it.

However, it seems to me that what the gentleman says about the language being broad is correct in a sense. I think, however, the language is of such a nature that the courts might very well properly interpret, and would properly interpret it to include only those cases in which the person was actively engaged by overt act in a movement to overthrow the government, and I call your

particular attention to the fact that there is an "and" instead of an "or" in this provision: "Who hereafter advocates and actively participates—." One who advocates or actively participates could not be held responsible but one who advocates must also actively participate,—they must not only actively participate but they must actively participate by an overt act or acts in a movement causing a change in the form of government of the United States by means not provided for in the Constitution of the United States. I myself cannot see how that language could cover any situation which would amount to less than treason.

Mr. BROWN. Mr. Speaker, may I interrogate the gentleman from Dauphin, Mr. Woodside?

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker, if a person participates in a movement, he participates by acts, does he not?

Mr. WOODSIDE. Mr. Speaker, that is one of the things that I was especially wondering about, why there was written into this bill, the term "overt act". It seems to me that the bill without the term "overt act" in it would be sufficient, and it seems to me the court in interpreting that language might try to find some reason for the use of the expression "overt act", that they might read into that that the man had to take a certain active part in the movement other than mere participation in it. I would like the gentleman to explain to me the reason for it. Maybe he has a reason why he used the expression "overt act", why it wouldn't mean exactly the same thing if those words were crossed out; and if it would, why have they been placed there. It seems to me it might lead to certain interpretations that might cause confusion in the mind of the court in arriving at a conclusion, and it is more likely to be confusing with those words in than it would be with those words out.

Mr. BROWN. Mr. Speaker, I won't press the gentleman for an answer to the inquiry I proposed to him.

Mr. WOODSIDE. Mr. Speaker, maybe I jumped the gun on him by firing a question back on the gentleman. I think perhaps what the gentleman had in mind is possibly true.

Mr. BROWN. If that is true, then the person who participates in a movement must do it by some act. He cannot do it by some long range synthetic proposition. He must do it by an act and he must do it by an overt act. He may sit in his house and think; that is not an overt act. I think the gentleman is sufficiently versed in the language of the law to know what an overt act is as distinguished from a passive act. I think the word overt is clear; it has a very technical meaning. It means any outward act that can be noticed. We are accusing people here of certain tendencies, we are seeking to find out whether they are guilty. To prove certain things you must have some kind of act in order to have proof. That is the only reason for putting it in, Mr. Speaker. If the gentleman sees any objection to that then I don't see how you are going to condemn a person excepting by some act which we can see and which we can notice. That is an overt act, which the gentleman well knows.

Mr. WOODSIDE. Mr. Speaker, the gentleman has argued my case to some extent, but at least this is the point which bothers me on this provision, I cannot see why the provision was put in "overt act". I think the

court may well ask "Why do they put in 'by an overt act'?" Now, if you say "Actively participating in a movement" the gentleman has argued that you cannot actively participate in a movement except by an overt act; is that not true?

Mr. BROWN. That is not true, Mr. Speaker. I said you could actively participate by sitting home thinking about something. That is exactly what I said. I can participate in the war by staying home and trying to calculate and figure out the next step. I participate as far as my own conscience is concerned, but I do not become actively engaged until I get into the army. That is just the trouble, Mr. Woodside.

Mr. WOODSIDE. Mr. Speaker, I cannot agree with the gentleman on that proposition, because we have many examples in the law whereby a man must commit an overt act before he can be guilty of any crime or any violation, but we do not use the expression, "by an overt act" in the law. That is a common law appellation, but in this case I cannot see how a man can participate in a movement by just sitting and thinking about it.

Mr. BROWN. Mr. Speaker, has not the gentleman from Dauphin in many cases participated in certain movements in which he committed no particular acts on his part?

Mr. WOODSIDE. If I did, Mr. Speaker, participate in any movement without any act, then it would seem to me that a person who participated in these movements would not be guilty of this crime. If the gentleman from Allegheny means that I thought about things,—why I have on occasions, and I have thought about things that I have not expressed. In fact I wouldn't dare express everything I think on the floor of this House.

Mr. BROWN. But the gentleman does a lot of participating, Mr. Speaker.

Mr. WOODSIDE. By overt acts, Mr. Speaker, I do not consider that I am participating, when I am merely thinking about debate, for instance. If I sit down here and think about this debate, I don't think anybody could go out and say I participated in it by just thinking about it.

The SPEAKER. You have something there, Mr. Woodside.

Mr. LEVY. Mr. Speaker, may I have a copy of the amendment? I have a question which I wish to ask the gentleman from Allegheny on the second amendment.

Mr. Speaker I desire to interrogate the gentleman from Allegheny Mr. Brown.

The SPEAKER. Will the gentleman from Allegheny, Mr. Brown, permit himself to be interrogated?

Mr. BROWN. I will, Mr. Speaker.

Mr. LEVY. Mr. Speaker, I refer to the amendment on page two, line 8, by inserting after the word, "causes" the following: "Provided that all employes not having the right to be heard under any civil service or tenure law on the question of dismissal shall have the right to appeal —" and so forth. I would like to ask the gentleman from Allegheny whether this takes in all employes not having the right to be heard under the civil service act under which their positions are created.

Mr. BROWN. That is correct, Mr. Speaker.

Mr. LEVY. Mr. Speaker, I would like to ask Mr. Brown, if to his knowledge for example in the Department of Public Assistance, I understand that in the act creating the personnel of the Department of Public As-

sistance there is no appeal to the courts upon dismissal. In that particular case, Mr. Speaker, you have a civil service set-up where it is not stipulated in the law as to appeal, would that then take in this amendment, Mr. Speaker? Would these amendments take care of that situation.

Mr. BROWN. They would not. We do not attempt to disturb or take care of the manner of appeals of those who hold office by civil service or tenure. This provision only applies to appeals that may be taken by non-civil service employes.

Mr. LEVY. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Brown, whether it is his intention by these amendments to protect the non-civil service employe in regard to the right of appeal and also the civil service employe where the civil service law creating the position does not make mention of the right to appeal from a board of the department?

Mr. BROWN. Mr. Speaker, I would say no. The right of appeal under civil service and under tenure varies in many of the acts of the Commonwealth. It was not our intention to disturb the right of appeal as now given in any civil service act or tenure act. Therefore this provision, as you see in the beginning provides that "all employes not having the right to be heard on civil service or tenure regarding the question of dismissal ---" You will see that this provision is only as to persons who have a non-civil service status.

Mr. LEVY. I thank the gentleman, Mr. Speaker.

Mr. SHEPPARD. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Brown.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BROWN. I will, Mr. Speaker.

Mr. SHEPPARD. I would like to ask the gentleman, Mr. Speaker, whether or not this law in any way affects the rights of a person who is and has been denied employment because of subversive activity? That is, he does not have a job, he is applying for a job and he is refused employment because it is charged that he has participated in some manner or thought about Communism in some manner.

Mr. BROWN. I might say, Mr. Speaker, that we are dealing, as I understand it, with House Bill No. 448, Printer's No. 1033. I think the gentleman is confused, and if that is correct, it has nothing to do with these amendments. I think the gentleman is confusing this with House Bill 413, Printer's No. 1034.

Mr. SHEPPARD. Mr. Speaker, the gentleman says that the bill applies to persons in civil service; does that include all of the persons in civil service in this Commonwealth of Pennsylvania, whether it is Public Assistance or Unemployment Compensation or any other law?

Mr. BROWN. Mr. Speaker, might I say that I think we are somewhat confused here. I think I presented the amendment to House Bill 413 inadvertently. The amendment should be to House Bill No. 448. I have quite a number of amendments here on my desk. I think I have submitted the wrong amendment, and I would like to have those amendments returned. Mr. Speaker, I should like to withdraw the amendments that I submitted to House Bill 413 and offer instead the following amendment to House Bill 448.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 7), page 4, line 2, by striking out the words "and the" and inserting in lieu thereof: "at such hearing, the burden of proof shall be on the department. The"

On the question,

Will the House agree to the amendment?

Mr. BROWN. May I say, Mr. Speaker, that insofar as the language is concerned, the language in House Bill 413 and House Bill 448 is identical, with the exception of the question of the rights of employes under civil service and tenure law, so that we do not lose any time there. That is, the same argument that the gentleman from Dauphin Mr. Woodside engaged in, would apply also to House Bill 413.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Brown.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BROWN. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I notice now that the amendment to the section which we have been debating is only by adding the words, "by an overt act or acts."

The SPEAKER. That is in section two.

Mr. WOODSIDE. Maybe I am a little ahead of time again, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. WOODSIDE. I want the gentleman, Mr. Speaker, to tell me what case would be covered by participation that would not be covered if the clause, "by an overt act or acts" is added.

Mr. BROWN. Mr. Speaker, there could be many, many instances that could be brought up covering the point on which the gentleman is speaking. A person could be standing in a crowd, a person could be watching a parade, a person might be in a hall participating in a movement. So far as the act of participation is concerned, he is present, he is there, but I do not believe we intend to make the act so broad that that would be the basis of ineligibility for relief.

I think the meaning here is that that person must not only be a participant, but he must be a participant doing an overt act of his own volition. So I think it must be perfectly clear in the participation that it is the person who is actively participating by his acts, that the acts are connected with the movement. Participation may follow. The participation may be only the physical presence at the hall or place of assemblage.

Mr. WOODSIDE. Mr. Speaker, then do I understand the gentleman that if a person attends a Communistic meeting, for example, in which there are some speeches about overthrowing the government, in which there is a regular organization of Communists present, that he would then of course not be guilty of any crime unless he happened to make one of the speeches or got up and made some comment on it, is that correct?

Mr. BROWN. Mr. Speaker, I wouldn't say that. If he were a member and had nothing to say, he would be committing an overt act by membership. Suppose he gave financial aid; he would thereby be participating by so doing, but if he participated by just appearing there, I would say that no one could find a man guilty for just being present, because otherwise all of us would be penalized beyond our power to pay. I have been present my-

self in different movements, but I did not actively participate by any overt acts in the movement going on.

Mr. WOODSIDE. Then, Mr. Speaker, the gentleman will admit that we can speak at times without committing an overt act; the speaking is not always an overt act. Will the gentleman concede that speaking is not always an overt act?

Mr. BROWN. Well, Mr. Speaker, I should say yes, I will admit that. After having served here for seven years, I think I can very well admit that.

Mr. WOODSIDE. Mr. Speaker, if thinking is not an overt act, I think that is another reason why we should not include it.

Mr. BROWN. Mr. Speaker, suppose I should speak to my friend there, suppose I should speak to Mr. Woodside; I am not participating in the movement. I am speaking—

Mr. WOODSIDE. That is the question of participation; that is not the question of the overt act, Mr. Speaker.

Mr. BROWN. The overt act, Mr. Speaker, is in connection with the movement. The question of the participation was by my presence there.

Mr. WOODSIDE. The gentleman's defense is on the ground that he was not participating, and did not commit an overt act if we talked about the weather. If speaking is not an overt act maybe the gentleman would not be participating by putting in the amendment to the act. That is the thing that I think is really dangerous, putting those words in. May I suggest this, if a man attends a communistic meeting you say he is not committing an overt act and should not be found guilty. Suppose you had a Communistic parade of an organization which proposed to overthrow the government; would he be guilty of an overt act by parading if he would not be guilty by attending a meeting?

Mr. BROWN. Mr. Speaker, if his parading is simply the marching down the street, I would say that he would not be guilty. I can tell the gentleman exactly what I mean. There are many youngsters who march down the street with a parade. There are many people along the street who might join or march along with a parade. I think we are getting rather facetious, and I think the gentleman from Dauphin certainly knows the distinction between an overt act which has to do with a definite movement by being present and an act in furtherance of that activity.

Mr. WOODSIDE. That again, Mr. Speaker, is the question of participation in it, but I do not think that is a matter of the overt act. I think we could probably argue this all night, and I don't want to push it any further. I think the putting in of the words "by an overt act or acts" very substantially weakens the act, as the gentleman has admitted.

Mr. BROWN. We did not weaken the act, Mr. Speaker. We tried to extend the act and tried to get before the court something upon which the court could act, and that is the action in furtherance of the movement.

Mr. WOODSIDE. Mr. Speaker, we propose to vote against the amendments on this bill because it weakens the act rather than strengthens it in our opinion.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

The section was agreed to as amended.

The second section was read.

On the question

Will the House agree to the section?

Mr. BROWN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 9), page 4, line 14, by inserting after the word "who" the following: "hereafter".

Amend Sec. 2 (Sec. 9), page 4, line 15, by inserting after the word "participate" the following: "by an overt act or acts."

The amendments were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 413, entitled:

An Act prohibiting the employment by the Commonwealth or any political subdivision thereof of persons whose philosophy proposes the change of the government of the United States by means not provided for in the Constitution of the United States declaring inoperative any contract or civil service law or regulation providing for tenure in employment and repealing inconsistent acts

The first section was read

On the question,

Will the House agree to the section?

Mr. BROWN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, lines 1 to 6, by striking out the following: "whose philosophy doctrine or" on line 1, and all of lines 2 to 6, both inclusive.

Amend Sec. 1, page 2, line 1, by striking out the words "or the overthrow thereof" and inserting in lieu thereof: "who hereafter advocates and actively participates by an overt act or acts in a movement proposing a change in the form of Government of the United States by means not provided for in the Constitution of the United States"

Amend Sec. 1, page 2, line 8, by inserting after the word "causes" the following: "Provided, That all employees, not having the right to be heard, under any civil service or tenure law, on the question of his dismissal, shall have the right to appeal by petition to the court of common pleas of the county where he resides, which court, after hearing, on such notice to the petitioner and to the persons in charge of the agency by which he is employed, as the court shall designate, shall have power to affirm or reverse the action of such agency, as it shall deem proper. The decision of the court of common pleas shall be final. Said appeal as aforesaid shall operate as a supersedeas of any order. At such hearing, the burden of proof shall be on the Commonwealth or any political subdivision or authority or institution thereof as aforesaid."

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, lines 1, 2 and 3, by striking out the words "No person whose philosophy, doctrine or object or who is a member of any organization or group whose philosophy, doctrine or object proposes" and inserting in lieu thereof the following: "Any person who advocates, promotes, or teaches doctrines or principles other than the democratic ideals and principals as outlined or contained in the Constitution of the United States or who participates in any un-American or sub-

versive activity or holds membership in or aids or supports any party, organization or group advocating"

Amend Sec. 1, page 2, line 1, by striking out the words "be permitted to" and inserting in lieu thereof the word: "not"

Amend Sec. 1, page 2, line 5, by inserting after the word "funds" the following: "or is supported thereby"

On the question,

Will the House agree to the amendments offered by the gentleman from Delaware, Mr. Turner?

Mr. BROWN. Mr. Speaker, I desire that the Members vote for the amendment I offered and vote down the amendment offered by the gentleman from Delaware, Mr. Turner. I think the amendments offered by the gentleman from Delaware, Mr. Turner, so far as I have had the opportunity to peruse them, are vague, indefinite, and as the gentleman from Dauphin, Mr. Woodside, said not worth the paper they are written on.

Mr. TURNER. Mr. Speaker, in spite of the admonition placed upon me by the newspapermen who are trying to get away to a picnic, and in spite of the threat that my name will not be given one line in the newspapers, nevertheless I cannot accept the indictment of the gentleman from Allegheny, Mr. Brown, because I feel very sincerely that the amendments offered by the gentleman from Allegheny, Mr. Brown, which I discussed before, merely mean that you must, as the gentleman from Dauphin said, commit treason before you could be dismissed.

Now, we are after the person who is going out and openly advocating and actively participating in overt acts against the government, of course, but the person that we fear and the person that we want to reach is not the person who will stand up and openly advocate the overthrow of the government, but as I said before in a speech in this House, it is the person who advocates or promotes or teaches, and if you permit this session of the Legislature to close with the amendments made by the gentleman from Allegheny, Mr. Brown, you won't catch one of those skunks during the next two years. If that means that what I have stated here and what I propose here is not worth the paper it is written on, then I don't know anything about the American system of government nor do I know anything about protecting that system of government, protecting our children and protecting our people from that group who so insidiously undertake to undermine confidence in our government and are promoting a philosophy contrary to our government.

The thing I cannot understand is "philosophy." The gentleman from Allegheny, Mr. Brown, said we could not tell about philosophy. Why, I can tell about philosophy; I know the philosophy of the gentleman from Allegheny, Mr. Brown, and I know the shade of differences of that philosophy from the philosophy of the gentleman from Philadelphia, Mr. Levy, or the gentleman from Philadelphia, Mr. O'Brien, who has, I think, a different philosophy from that of the gentleman from Philadelphia, Mr. Levy. We know people when we talk to them, we know people when we see them, and when we associate with them; we get to know the philosophy they have; we get to know the kind of thing they advocate; we get to know their turn of mind. If I had not that sort of philosophical viewpoint toward my associates on the other side for the past half dozen years, I don't know how I could ever have lived with them, with the political views they have held in the past half dozen years. So I say to you we want an amend-

ment which seeks to check, which seeks to prohibit, which seeks to rid ourselves of that group that advocates and teaches, but would never get caught out in front of the movement. That is not the place they go. We know they are not going to get caught in the front line trenches of any movement to overthrow the government of the United States. They are going to get underneath; they are going to hide under the Stars and Stripes, they are going to hide under the Constitution of the United States and they are going to have that kind of things on the rostrum while they underneath slyly work upon the feelings of the people. That is what we want to reach.

Maybe this language does seem a bit vague to the gentleman from Allegheny, but I know with his technical and legal mind, he knows that an overt act as defined by the dictionary must be an open act with criminal intent. But a man may advocate and may teach or promote without committing an overt act such as would be contemplated under the law. I cannot for the life of me understand the tenderness of my friends on the other side. I can only say that if the tenderness is as prevalent, if it exists as we fear in the legislature, then I think there is something vitally wrong with the philosophy of my friends on the other side, and I think they ought to give serious consideration to the things that have been going on not only in this country, but everywhere. In New York there is a great community of people of German extraction who absolutely believe in the Hitler policy, who advocate that policy, who teach that policy, who suppress anyone who does not believe as they believe. It is almost unthinkable that it could exist, some 40,000 people in the heart of a great American city, but those things are existing today, and the only way we can get at it is to go behind the overt acts, to the person who teaches, the person who advocates and the person who promulgates. I will say for my Republican colleagues that we will vote against the amendments offered by the gentleman from Allegheny, Mr. Brown.

Mr. BROWN. Mr. Speaker, I am sorry that we do not have the time to go deeply into this matter and make a speech, but I might call to the gentleman's attention that we are writing laws, not making speeches. I can make a speech as to the philosophy or as to the state of mind of many people, but certainly no one would say in a free country that we can begin to legislate against a person's philosophy. That never has been done, it cannot be done today, and when we are writing laws we must first of all write those laws in conformity with the Constitution. Secondly, a law must be capable of a fair interpretation by the tribunal whose duty it is to interpret those laws. I agree with everything the gentleman has said, and if I had time to make a speech, I would make a speech also, but I do not believe it is apropos to this legislation confronting us today. After all, the gentleman is a lawyer and he knows that people cannot be convicted of a crime, and should not be denied employment simply because they have a state of mind different from his. My state of mind is different from his state of mind, and we all might be called un-American in some instances. Certainly that is not the intent of the Constitution when it gives the Legislature the sole authority to pass legislation. As I said before, we have two objects in view in passing any legislation, and only two; we must pass legislation in conformity with the Constitution and we must pass legis-

lation that is clear and can be interpreted. Besides that we have no purpose in passing any legislation.

Mr. LEVY. Mr. Speaker, I was very much amused by the statement of the gentleman from Delaware when he said that in living six years with some of the Members of the House, especially on this side,—and he mentioned the gentleman from Allegheny and two from Philadelphia, that he knew their philosophy and he could certainly speak with some authority on that.

I want to say in answer to the gentleman from Delaware that if he knows my philosophy, he knows that I am not for House Bill 413 as it came out of committee ---

Mr. BAKER. Mr. Speaker, I believe that the amendments are before the House, and not the speech of the gentleman from Delaware. I would like to have the gentleman from Philadelphia talk on those amendments.

The SPEAKER. The question before the House is on the amendments offered by the gentleman from Delaware, Mr. Turner. The gentleman will proceed in order.

Mr. LEVY. Mr. Speaker, I am confining my remarks to the amendments offered by the gentleman from Delaware. I would say to the gentleman from Delaware that if he knew Mr. Levy's philosophy he would know that Mr. Levy is not for House Bill 413 as it came out of the Committee. Rather I would say I am for House Bill 413 as it has been offered to be amended by the gentleman from Allegheny and I say to the gentleman from Delaware, who has differed with me on numerous occasions, that his amendments are conscientious; they come from the heart,—I have no scruples with him personally. I know that when he offers them he offers them in a sense of sincerity regarding his own philosophy, but I only want to say to the gentleman from Delaware and to clear the air that I do not believe we have a Communist in the House, and certainly—Mr. Speaker, I deserve a little courtesy. I have never yelled across from one side of this Hall to another while another member was making an address, and I don't like it.

Now, I would say, Mr. Speaker and members of the House, even though I have the greatest respect for the amendments offered by the gentleman from Delaware I nevertheless cannot agree with them. I think they are too vague, they are too indefinite, because as the gentleman from Allegheny made mention, we are not making speeches; we are making laws. I as a member of this Assembly am not going to vote against one hundred thousand employes in order to catch two Communists,—I am not going to do it, and I don't think any person who loves his country wants to legislate that way. I detest Communism and I hate it. I was proud of our Under-Secretary of the State department the other day in his statement on the Russian-German outbreak on the other side. When he said, "This right,"—speaking of the rights granted us by the American form of government, the right of freedom to worship God as our conscience dictates,—"has been denied to their people by both the Nazi and Soviet Governments. To the people of the United States this and other principles and doctrines of Communistic dictatorship are as intolerable, and as alien to their own beliefs, as are the principles and doctrines of Nazi dictatorship." The Under-Secretary continued by saying "Neither kind of imposed overlordship can or will have any support or any sway in the mode of life or in the system of government of the American people."

I say to the gentleman from Delaware, I subscribe wholeheartedly to the statement by the Under-Secretary of the State Department, and I believe he does. I do not like Communism; I love America just as he does, but, members of this House, I am not going to legislate in order to jeopardize the position of hundreds of employes in the state, who by House Bill 413 without the proper amendments would be placed at the mercy and jeopardy of any fool who wishes to take advantage of the prerogative given by the act of this Assembly. I say to the gentleman from Delaware, yes, it is true, we have different philosophies. I do not agree with the Governor on many occasions. I would say to the gentleman from Delaware, if I were to point out any subversive activity in the Commonwealth of Pennsylvania, I would look to the Secretary of Public Assistance today with his statement in the Press of a few days ago. If you men read the Press, you will notice that the Secretary of Public Assistance has decreed that on July 17th, every person between the age of 20 and 40 will be denied relief that is able bodied and capable of going to work. If there is one decree, one statement of policy that violates the Act of Assembly in the 1937 Public Assistance Law, that is it. I call him subversive, and I don't hear any indictment in the Press against him. I think that is just as subversive as other acts, and yet I am willing to vote to outlaw any subversive doctrines, but I am not going to vote against a lot of innocent children on this Hill, who might be placed in a position of having their philosophy or their doctrine set up by a man, who, in all probability is not responsible. Just because an employe may have a different philosophy, doctrine, or principle from that of his employer is no reason to fire him from the State Department or any other employment.

I say to the gentleman from Delaware in all sincerity, if he has studied the act carefully, and I know he will, or does, or did, I say to him the language is too broad. We are making a law here, gentleman, a law that will be, if passed, the law of the Commonwealth. I say let us not fight Fascism or Communism by inculcating Fascism or Communism. Let us fight it with democracy, let us fight it the American way. Our laws have never betrayed us yet, and I say the only way to fight them is to write into the law the types of teaching that the gentleman wants to get away from,—and I agree with him, but I say it is the wrong way to do it, and I ask the Members to vote down these amendments.

Mr. SHEPARD. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. SHEPARD. Mr. Speaker, I would like to ask the gentleman,—and I am reading a copy of his amendment "Or by any authority or institution receiving or supported by public funds, or persons engaging in un-American activities." I would like to ask the gentleman from Delaware just who is to decide what is un-American activity.

Mr. TURNER. Mr. Speaker, I presume that under any discharge it would be the superior officer, and the right of appeal being there, it would more than likely end up by a determination in the courts.

Mr. SHEPARD. That is all, Mr. Speaker. Of course I have no brief for Communism. Someone has called me

a Red. I do not think that by any stretch of the imagination anybody who looked at me could call me Red. I am not interested in my right to be Red; what I am interested in is my right to be black, and according to some people's reputation I would be called un-American because I am black.

The Daughters of the American Revolution denied Marian Anderson the right to sing in Constitution Hall in Washington, D. C. To forbid her to sing because she is black would be un-American. The Bok Award Committee in Philadelphia gave her the highest honor that could be conferred on a person in Philadelphia. Temple University honored her with an honorary degree.

Now, the philosophy of these two groups of people differs by a long sea mile. Now, who is going to determine? What I am afraid of is that I might fall into the hands of people who have an entirely different philosophy and be penalized on that account. Consequently I think these amendments are entirely too vague in recognition of the rights of minority people who may suffer under an autocratic bureaucracy or some bureau head who has different ideas as to just what is un-American. I do hope and believe that the members of this House, both Democrats and Republicans, will oppose the Turner amendments. I believe the gentleman is sincere, I believe he is interested in preserving Americanism but his amendments are too broad and cover too many different kinds of views and I think they ought to be limited, and limited by the amendments offered by Mr. Brown. Please do not trample my right to be what I am.

Mr. TURNER. Mr. Speaker, I would not for one moment hold any brief for anyone who would change the Reverend Marshall Shepard from what he is. Whatever he is, he is. You may be able to define it, and I may be able to define it, but nevertheless I wouldn't change him for anything. If I thought that by any amendment I might introduce in this House I would take away any whit from the rubicund and cheerful and tonsorial perfection of the gentleman from Philadelphia, or in any way interrupt his slumbers, or to cause him to feel a greater pinch in his shoes, whatever he thinks of me, I would certainly withdraw my amendment and move the adoption of those of the gentleman from Allegheny.

I said something about philosophy and I said something about the differences in philosophy. I was not at that time referring to any particular philosophy which the gentleman from Philadelphia Mr. Levy might hold, if he holds any. I was merely stating that I knew there was a difference between the gentleman from Allegheny, Mr. Brown and the gentleman from Philadelphia, Mr. O'Brien, and the gentleman from Philadelphia, Mr. Levy, that by my association I knew something, I thought, of their mental approach to a subject, but I wonder what the gentleman from Philadelphia Mr. Levy wants us to think. Here is an article from a Philadelphia paper the other day, speaking about a meeting of the Philadelphia local teachers who were ousted by the A. F. of L. because the A. F. of L. said they were Communists. This article said "members of the ousted local at their meeting heard State Representatives J. Harold Levy, Democratic, Philadelphia, condemn bills pending in the Legislature which would dismiss state employes and remove from relief persons advocating 'philosophies providing for the overthrow of the government'. He called the bills 'reactionary'."

I am wondering what the gentleman from Philadelphia, Mr. Levy wants us to think of that when we read it in the newspapers.

Mr. CORRIGAN. Mr. Speaker, I would like to know whether the word "philosophy" is mentioned in these amendments offered by the gentleman from Delaware.

The SPEAKER. The word "philosophy" appears in the amendment offered by the gentleman from Delaware in that it is contained in the lines to be stricken out.

Mr. MELCHIORRE. Mr. Speaker, I think that the House has been debating on this long enough. We have had both sides of it discussed at length, and for that reason I move the previous question.

The motion was seconded by Messrs. Corrigan, Baker, Cochran, Burns, Lesko, O'Mullen, Mihm, Ellwood B. Welsh, Kolankiewicz, DiGenova, Hersch, O'Connor, Sarraf, Maxwell, Breth, Reynolds, McLane, Woodring, Shaffer, Monks and others.

On the question,

Shall the main question be now put?

The SPEAKER. The "noes" appear to have it.

Whereupon, a division was called for one hundred and nine Members voting in the affirmative and fifteen in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments offered by the gentleman from Delaware, Mr. Turner?

The yeas and nays were required by Mr. Woodside and Mr. Turner and were as follows:

YEAS—44

Auker,	Gross,	Lee, T. H.,	Reese, D. P.,
Bretherick,	Gyger,	Lelsey,	Reynolds,
Cadwalader,	Habbyshaw,	Leydie,	Rhea,
Cordier,	Haines,	Lichtenwalter,	Simons,
Dalrymple,	Hersch,	Lyons,	Trout,
DiGenova,	Imbrie,	Marks,	Turner,
Ely,	Kline,	McKinney,	Watkins,
Fise,	Knoble,	McSurdy,	Weingartner,
Fleming,	Kolankiewicz,	Melchiorre,	Wilkinson,
Foor,	Krise,	O'Dare,	Woodside,
Greenwood,	Lee, E. A.,	Reagan,	Yeakel,

NAYS—78

Achterman,	Flynn,	McClanaghan,	Frosen,
Baker,	Goodwin,	McDermott,	Rausch,
Balthaser,	Haberlen,	McFall,	Readinger,
Baughner,	Harkins,	McIntosh,	Rush,
Bentzel,	Harmuth,	McClanaghan,	Shaffer,
Boles,	Harris,	McLane,	Shepard,
Breth,	Heatherington,	Monks,	Skale,
Brown,	Herman,	Mooney,	Tarr,
Brunner, P. A.,	Holland,	Moran,	Tate,
Burns,	Jefferson,	Nunemacher,	Thompson, E. F.,
Burris,	Jones, P. N.,	O'Brien,	Vincent,
Cochran,	Kenehan,	O'Connor,	Vogt,
Cohen, M. M.,	Komorowski,	O'Mullen,	Weiss,
Cohen, R. E.,	Leonard,	Owens,	Welsh, M. J.,
Croop,	Lesko,	Petrosky,	Williams,
Cullen,	Levy,	Pettit,	Woodring,
Dolon,	Longo,	Polaski,	Wright,
Early,	Lovett,	Polen,	Young,
Finestone,	Malloy,	Powers,	Killroy, Speaker
Finnerty,	Maxwell,		

So the question was determined in the negative and the amendment was not agreed to.

On the question,

Will the House agree to the amendments offered by the gentleman from Allegheny, Mr. Brown?

Mr. HARKINS. Mr. Speaker, I rise to support the amendments offered by the gentleman from Allegheny,

Mr. Brown, for exactly the same reason that I have opposed the amendment offered by the gentleman from Delaware, Mr. Turner, had not the previous question been moved.

Not having been provided by mother nature with so kindly a protective scheme as to make me less easily understood with respect to being labeled a Red, I am very much desirous of seeing that the rights, the fundamental rights and liberties which have been guaranteed us in our Bill of Rights and in our Constitution be maintained, and I suggest that the maintenance of these rights is not that we agree that they be enforced when the enforcement thereof is favorable to us, but the test is their enforcement when it may appear to us that their enforcement benefits and protects someone whom we personally do not like.

So I would suggest, Mr. Speaker, that we read these amendments and the entire context of the bill, relative particularly to section 7 of Article I of the Bill of Rights in our Constitution of Pennsylvania, which records the freedom of the press and the freedom of speech, and therein, Mr. Speaker, I read the following:

"The free communication of thoughts and opinions is one of the invaluable traits of man and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty."

Then the Constitution goes on to discuss the question of libel with respect to the abuse of that liberty. On page 33 of our Pennsylvania Manual in section 26 of Article I, I read under the general heading of "exceptions from the General Powers of Government" the following:

"To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate."

Now, Mr. Speaker, it is because I believe in the Bill of Rights and in the Constitution that I favor these amendments offered by Mr. Brown, because I believe that these amendments will accomplish, in case a person is accused, a fair hearing before the authorities hiring or employing that particular person, and in case the person is dismissed after a hearing it will guarantee to the person so dismissed a fair opportunity to appeal to the court of Common Pleas wherein whose jurisdiction the person resides, the court which is best able to determine the various questions that will be brought before it for solution.

I say, Mr. Speaker, when you deal here with these fundamental rights in which I believe and we all believe and on which the entire future of our form of government is so dependent, we should proceed cautiously, with diligence and with study, and I believe the amendments of Mr. Brown are amendments which are calculated to make the act more enforceable because they clarify the act; they clarify those things which would be left hanging in mid air; they do not say to some judge who may have ideas of his own: "Go out and follow the prejudices and the passions of a particular community." They rather say to the judge before whom the case will be tried: "Consider the action and the entire matter in the light of our past history and in the light of our past traditions" I am sure if these amendments are adopted it will work to the benefit of all concerned.

I feel Mr. Speaker, that the Members on the other side of the House who are particularly anxious to correct these various subversive tendencies of which they speak, will by passing a bill which can be administered practically enable such subversive activities to be rooted out of our Commonwealth.

Mr. MELCHIORRE. Mr. Speaker, I move the previous question.

The motion was seconded by Baker, Maxwell, Sarraf, Cochran, Williams, Monks, Rausch, McDermott, Vogt, O'Mullen, Kolankiewicz, Polaski, Hersch, DiGenova, Breth, Malloy, Reynolds, Tarr, McLane, McFall, Presley N. Jones and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Will the House agree to the amendments offered by the gentleman from Allegheny, Mr. Brown?

The yeas and nays were required by Mr. Brown and Mr. Heatherington and were as follows:

YEAS—103

Achterman,	Finnerty,	Maxwell,	Readinger,
Baker,	French,	McClanaghan,	Reynolds,
Balthaser,	Goodwin,	McDermott,	Rose, S.,
Baughner,	Gryskewicz,	McFall,	Rush,
Bentley,	Haberlen,	McIntosh,	Sarraf,
Bentzel,	Hamilton,	McLanahan,	Scanlon,
Boles,	Harkins,	McLane,	Schwab,
Boney,	Harmuth,	Melchiorre,	Shaffer,
Breth,	Harris,	Mihm,	Shepard,
Brown,	Heatherington,	Monks,	Skale,
Brunner, P. A.,	Herman,	Mooney,	Stine,
Burns,	Hersch,	Moran,	Tarr,
Burris,	Hirsch,	Moul,	Tate,
Cochran,	Holland,	Nunemacher,	Thompson, E. F.,
Cohen, M. M.,	Jefferson,	O'Brien,	Vogt,
Cohen, R. E.,	Jones, P. N.,	O'Connor,	Weiss,
Corrigan,	Keenan,	O'Mullen,	Welsh, E. B.,
Croop,	Kenehan,	O'Neill,	Welsh, M. J.,
Cullen,	Kolankiewicz,	Cwens,	Williams,
DiGenova,	Komorowski,	Petrosky,	Wolf,
Dolon,	Leonard,	Pettit,	Woodring,
D'Ortona,	Lesko,	Polaski,	Wright,
Duffy,	Levy,	Polen,	Yester,
Early,	Longo,	Powers,	Young,
Elliott,	Lovett,	Prosen,	Kilroy,
Finestone,	Malloy,	Rausch,	Speaker.

NAYS—30

Auker,	Habbyshaw,	Lichtenwalter,	Rhea,
Bretherick,	Haines,	Marks,	Turner,
Brunner, C. H.,	Hewitt,	McClester,	Wagner,
Cadwalader,	Imbrie,	McKinney,	Watkins,
Dalrymple,	Kline,	McSurdy,	Wilkinson,
Fiss,	Krise,	O'Dare,	Woodside,
Forst,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Gyger,	Leisey,		

So the question was determined in the affirmative and the amendment was agreed to.

The second, third, fourth and fifth sections were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

The SPEAKER. Does the gentleman from Delaware, Mr. Turner, desire to withdraw his amendments to the title?

Mr. TURNER. Yes, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend title, page 1, lines 2 and 3 of the title, by strik-

ing out the words "of persons whose philosophy proposes the" and inserting in lieu thereof: "or by any authority or any institution receiving public funds, of persons who hereafter advocate and actively participate in a movement proposing a."

Amend title, page 1, lines 5 to 7 of title, by striking out the following: "declaring inoperative any con-" in line 5, and all of lines 6 and 7, and inserting in lieu thereof: "providing for dismissals under existing laws, and permitting appeals to courts of common pleas in cases not covered by civil service or tenure laws."

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS HOUSE

Mr. LEVY asked and obtained unanimous consent to address the House.

Mr. Speaker, in answer to the gentleman from Delaware on the subject of a speech of mine contained in a newspaper, I want to say that tomorrow on a question of personal privilege I will give the gentleman the answer, and I am sure he will get it.

BILLS ON SECOND READING

Mr. LEVY asked and obtained unanimous consent to call up out of order House Bill No. 1481, (Senate Bill No. 236), on page 7 of today's calendar.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1481, (Senate Bill No. 236), entitled:

An Act to amend section six hundred fifty-four of article six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law; providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for appeals from any classification, rule, rate, or schedule of the Insurance Commissioner affecting insurance of employees and employers under the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto and exempting the State Workmen's Insurance Fund from the control of the Rating Bureau and the Insurance Commissioner

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Mr. O'BRIEN asked and obtained unanimous consent to call up out of order House Bill No. 602, on page 7, of today's calendar.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 602, entitled:

An Act to amend sections eight hundred one and nine hundred seventy-six of the act approved the third day

of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates, primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections the Secretary of the Commonwealth and the courts

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1857, entitled:

An Act making an appropriation to the Department of Revenue for the payment of claims against the Commonwealth arising from damage by fire caused by defective wires used for operating airplane beacons.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

RESOLUTION

RECALLING HOUSE BILL No. 1323 FROM THE GOVERNOR

Messrs. DAVID P. REESE and HABBYSBAY offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 25, 1941.

Resolved, (if the Senate concur), That House Bill No. 1323, Printer's No. 984, entitled "An act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for the conveyance by said city of Wildwood Park to the Commonwealth; providing for the transfer of said park to the Department of Forests and Waters and the use thereof by the department as a State park, and by other departments, boards and commissions for their respective purposes."

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 1218.

An Act making an appropriation to the Department of

Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the title was publicly read as follows:

SENATE BILL No. 1218.

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL INTRODUCED AND REFERRED

By Messrs. HARKINS and WRIGHT.

HOUSE BILL No. 1930.

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire, by gift, the monument erected in Greene County to Sarah Jane Price Ackley; and providing for the control, management, supervision, and maintenance thereof.

Referred to the Committee on Appropriations.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 25, 1941, Resolved, (if the House of Representatives concur), That Senate Bill No. 566, Printer's No. 288, entitled:

An Act to amend clause (b) of section twenty-seven of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the

rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans court in all matters relating to fiduciaries concerned with the estate of decedents" by further regulating the discharge of charges on real estate be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON THIRD READING

Mr. SHAFFER asked and obtained unanimous consent to call up out of order House Bill No. 1603, (Senate Bill No. 169), Printer's No. 453, on page 14, of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1603, (Senate Bill No. 169), as follows:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records

On the question,

Will the House agree to the bill on third reading?

Mr. SHAFFER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 2, line 12 of title on page 2, by inserting before the word "providing" the following: "further regulating the appointment of employees and assist-

ants by the registration commission, and removing the present appointee."

Amend Sec. 1 (Sec. 4), page 4, by inserting between lines 12 and 13, the following: "[(b) The registration commission shall consist of three commissioners who shall be qualified electors of the city, not more than two of whom shall be enrolled members of the same political party, who shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold office for terms of four years, or until their successors qualify, unless sooner removed or otherwise disqualified. Provided, however, That the terms of office of the commissioners first appointed by the Governor under this act, shall commence upon the date of their appointment, and shall expire on the first Monday of January, one thousand nine hundred forty-one. Upon the appointment by the Governor of the registration commission for any such city, the terms of office of the existing registration commission or commissioners of any such city shall terminate.

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant.

(d) The Governor may, at any time, remove any commissioner for cause, and may appoint a duly qualified elector of the city as his successor for the remainder of his term.

(e) Each commissioner shall receive compensation at the rate of four thousand five hundred (\$4500) dollars per annum, except the chairman who shall receive five thousand (\$5000) dollars per annum.

(f) As soon after their appointment as may be, the members of each commission shall take the oath of office required by the Constitution of this Commonwealth, and shall organize by selecting from their number a chairman and a secretary, who shall not be members of the same party.]

Amend Sec. 1 (Sec. 4), page 5, line 22, by inserting before the letter "(c)" the following: [(g)]

Amend Sec. 1 (Sec. 4), page 5, line 25, by inserting before the letter "(d)" the following: [(h)]

Amend Sec. 1 (Sec. 6), page 6, line 10, by inserting after the word "such" the following: "All appointment of assistants and employees, made by the commission, shall be divided between the majority commissioners and the minority commissioner, so that, as near as mathematically possible, without increasing or decreasing the number of employees actually required, the majority commissioners shall name two-thirds of all registrars, two-thirds of all the inspectors of registration, and two-thirds of all other appointees, and the minority commissioner shall name one-third of all the registrars, one-third of all the inspectors of registration, and one-third of all other appointees. The term of employment of each person now employed under the commission, and having been originally appointed by the commission, shall cease as of the effective date of this act.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1098

Mr. BENTLEY. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 1098.

The SPEAKER. The report will lie over for printing under the rules.

REPORTS FROM COMMITTEES

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as committed, House Bill No. 1924, (Senate Bill No. 712), entitled:

An Act to amend section one and section two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 899) entitled "An act establishing a State Highway in the County of Lebanon providing for its location construction improvement and maintenance by the Commonwealth" by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth.

Mr. TROUT, from the Committee on Highways, reported as committed, House Bill No. 1927, (Senate Bill No. 796), entitled:

An act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing Route 36174 Lancaster County

QUESTION OF PERSONAL PRIVILEGE

Mr. AUKER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. AUKER. Mr. Speaker, while the gentleman from Philadelphia, Mr. Levy was speaking, I committed inadvertently a breach of parliamentary etiquette. He mentioned that he did not believe there were any Communists in the Hall. I agree with him, as far as the membership is concerned there are no Communists in the Hall but there are some Communists on the floor of the House, not among the membership of the House. However, I was out of place in stating it the way I did. It was due to my deep feeling in regard to this matter of Americanism. I apologize to the gentleman from Philadelphia for making the remarks I did and also to the membership of the House.

CHAIR THANKS MEMBERS

The SPEAKER. The Chair wishes to thank the members for their patience this afternoon and their very good sportsmanship.

The Chair also extends regrets to the Press for the delay in the adjournment of the House which was beyond the control of the Chair or the House.

COMMITTEE MEETINGS

Counties, Thursday, June 26, at 11:30 a. m. in Room 521.

Mines and Mining, Thursday, June 26 at 11:45 a. m. in Room 522.

Professional Licensure, Thursday, June 26 at 11:30 a. m. in Room 246.

The Committee on Rules will meet at the Speaker's Office on Thursday, June 26th at 10 a. m.

ADJOURNMENT

Mr. DOLON. Mr. Speaker, I move that this House do now adjourn until Thursday, June 26, 1941, at 12 m.

The motion was agreed to, and (at 7:47 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., THURSDAY, JUNE 26, 1941.

No. 78.

SENATE

THURSDAY, June 26, 1941

The Senate met at 11:30 o'clock, a. m., E. S. T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the prayer was offered by the gentleman from Butler, Senator CARR.

Our Father and Our God, we bow in humble reverence at Thy throne of grace with gratitude in our hearts that Thou hast given us a knowledge of Thyself and Thy saving power. Coming unto Thee this morning, we ask that Thy Holy Spirit might rest upon us at all times, that we may do those things which are in accordance with Thy will. Bless this our nation and all the nations of the world as Thou seest their needs and help us that we may come to an understanding which will enable us to live as brethern one with the other. We ask these things in Thy Holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. THOMAS and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

APPOINTMENT OF PALLBEARERS ON PART OF THE SENATE TO ATTEND FUNERAL OF DOCTOR JOHN JOSEPH SHAW

The PRESIDENT. On behalf of the President Pro Tempore, the Chair announces the appointment of the following Senators to act as pallbearers on the part of the Senate to attend the funeral of Doctor John Joseph Shaw:

Senators DiSilvestro, Edmonds, Farrell, Heyburn, James, Jaspan, Kephart, McCreesh, Scarlett, Shapiro, Stiefel and Woodward.

Those Senators whose names have been announced are requested to communicate with the Secretary of the Senate as soon as convenient, in order that necessary arrangements may be made.

Mr. JAMES. I might say, Mr. President, I shall attend.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, pre-

sented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 26, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

James Henderson, Forward Twp., R. D. 1, Monongahela.
H. H. Jamison, Clairton.

BLAIR COUNTY

Roy I. Feather, Taylor Twp., Roaring Spring.

PHILADELPHIA COUNTY

Le Roy S. Bishop, 4562-4566 Worth St., Philadelphia.
Mrs. Edith T. Creamer, D and Tioga Sts., Philadelphia.

TIOGA COUNTY

George Linton, Elkland.

WESTMORELAND COUNTY

Harold J. Palmer, New Kensington.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. GELTZ and Mr. WALKER, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanius,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOMINATION AS JUSTICE OF THE PEACE OF LACKAWANNA COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred Capple, Jr., R. D. 3, Moscow, Lackawanna County, for appointment as Justice of the Peace in and for the Township of Spring Brook, Lackawanna County, until the first Monday in January, 1942, vice Fred Capple, deceased.

ARTHUR H. JAMES.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 1218

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 1218, Printer's No. 508, entitled, "An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred and forty-one and providing for certain allocations from such appropriation to the Department of the Auditor General and the Treasury Department."

ARTHUR H. JAMES.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 990, (Senate Bill No. 1298), entitled:

An Act to amend section one hundred and eight of the

act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "The Pennsylvania Occupational Disease Act," by further defining the term "occupational disease."

Which was committed to the Committee on Workmen's Compensation.

House Bill No. 1002, (Senate Bill No. 1299), entitled:

An Act to further reenact and amend the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "Workmen's Compensation Act of 1915," changing maximum and minimum rates, periods, total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident; authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; changing powers and duties of the board; and imposing additional penalties; authorizing the department, the board and the referees to approve compromise agreements in certain cases, and generally amending, clarifying and changing the provisions of said act.

Which was committed to the Committee on Workmen's Compensation.

HOUSE CONCURS IN SENATE RESOLUTION RECALLING SENATE BILL No. 566, FROM THE GOVERNOR.

He also informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, June 25, 1941.

Resolved (if the House of Representatives concur), That Senate Bill No. 566, Printer's No. 288, entitled:

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges on real estate.

be recalled from the Governor for the purpose of amendment.

RECALLING HOUSE BILL No. 1323, FROM
THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 26, 1941.

Resolved (if the Senate concur), That Senate Bill No. 1146, House Bill No. 1323, Printer's No. 984, entitled:

An Act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for the conveyance by said city of Wildwood Park to the Commonwealth, for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE ADOPTS REPORT OF CONFERENCE
COMMITTEE ON HOUSE BILL No. 404

He also informed the Senate that the House has adopted the report of conference committee on House Bill No. 404, entitled:

An Act relating to marriage; and amending, revising consolidating and changing the law relating thereto.

RESOLUTION RECALLING SENATE BILL No. 352,
PRINTER'S No. 463, FROM THE GOVERNOR

Mr. JAMES. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES offered the following resolution which was twice read, considered and agreed to:

In the Senate, June 26, 1941.

Resolved (if the House of Representatives concur), That Senate Bill No. 352, Printer's No. 463, entitled "An Act providing for the creation maintenance and operation of a county employes' retirement system in counties of the fifth class imposing certain charges on counties and prescribing penalties,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 185, entitled:

An Act to further amend section two of, and to add section

two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted.

Senate Bill No. 209, entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store, possess or transport property the possession or transportation of which is in violation of the law.

Senate Bill No. 697, entitled:

A Joint Resolution proposing an amendment to section one, article nine, of the Constitution of the Commonwealth of Pennsylvania.

Senate Bill No. 787, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by exempting certain transportation from the terms "common carrier by motor vehicle" and "contract carrier by motor vehicles;" further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in certain appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for vio-

lating the act; prohibiting motor carriers, common carriers by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable

Senate Bill No. 1017, entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 186) entitled "An act declaring what offices are incompatible" by specifically exempting persons serving in the armed forces of the United States.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Appropriations, reported as amended, Senate Bill No. 739, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in restoring and maintaining the original valley forge at Valley Forge Park.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 954, (House Bill No. 371), entitled:

An Act making an appropriation to the Department of Forests and Waters, for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 973, (House Bill No. 1130), entitled:

An Act making an appropriation to the Department of Commerce, towards expenses of the National Encampment in Philadelphia.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1163, (House Bill No. 1663), entitled:

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W. P. A. Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 1198, (House Bill No. 1390), entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1262, (House Bill No. 753), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Welfare to acquire certain land adjacent to, and for the use of the Scranton State Hospital; providing for the improvement and use thereof; authorizing the City of Scranton to pay the costs of such improvements in whole or in part and making an appropriation.

Mr. WALKER, from the Committee on Public Utilities, re-reported as amended, Senate Bill No. 783, entitled:

An Act to further amend the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463) entitled as amended "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by changing the method by which notice of the formation of a municipal authority shall be made public further regulating incorporation purposes and existence of the authority defining procedure whereby an authority can enter into contracts and dispose of its bonds imposing additional qualifications and duties on members of the authority imposing civil liability on members of the board and officers of an authority in certain cases requiring annual audits imposing additional duties on the court of common pleas giving authorities right of eminent domain in certain cases extending with certain limitations the power of Authorities to make certain purchases requiring authorities in certain cases to secure certificates of public convenience from the Public Utility Commission imposing duties upon said commission and providing for appeals requiring the filing of financial reports by authorities with and the approval of bond issues by the Department of Internal Affairs and conferring powers and imposing duties upon said department restricting the appointment of members of authorities and limiting their salaries and providing for the voluntary dissolution of authorities.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 178, entitled:

An Act to amend paragraph four of subsection (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled, as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedent, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointments, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by validating

deeds heretofore accepted by fiduciaries holding mortgages in certain cases.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1086, entitled:

An Act relating to elective public offices, the incumbents of which are required by act of Congress to enter military or naval service; providing that such offices shall not be considered vacant or the incumbents thereof disqualified by reason of such call to military or naval service; making provisions for certain deputies, assistants or substitutes to perform the functions of such office during the period of such military or naval service or until the terms of office have ended; prescribing the qualifications, powers, duties, liabilities and compensation of such deputies, assistants or substitutes; and defining the extent and effect of said act upon the various incidents of such office including incompatibility, vacancy, compensation, term, misconduct, removal and holding over.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1207, (House Bill No. 1665), entitled:

An Act to amend section six hundred and five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by providing that said section shall not apply to certain games or devices where free plays are given or allowed; and providing that such free plays shall not be considered things of value.

He also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 767, (House Bill No. 1095), entitled:

An Act to further amend section six of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the county of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

Mr. SNOWDEN, from the Committee on Highways, reported as amended, Senate Bill No. 695, (House Bill No. 1176), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the methods of payment to townships.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 1276, (House Bill No. 1365), entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and

limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended authorizing the Secretary of Revenue to establish a system of permanent registration of vehicles and further regulating the operation of vehicles and the suspension of registrations and operating privileges giving the Pennsylvania Turnpike Commission power to regulate traffic on turnpikes extending the time limit for cities of the second class A to make certain changes in traffic signals extending the liability of political subdivisions to include negligent operation of their vehicles drawn by animal power amplifying and changing provisions of said act relating to lighting signal and warning devices redefining the term dealer further regulating dealers in junked vehicles permits for oversize and overweight vehicles use of school buses registration plates and cards maximum size of vehicles and medical examinations by physicians providing for payment of certain fees by counties limiting and providing new exemptions from the various provisions of said act giving additional authority to peace officers and department employees in the matter of investigations further regulating prosecutions giving certain powers to local authorities for the regulation of traffic and the establishment of traffic courts changing and fixing additional fees changing and imposing new penalties giving the secretary additional powers and duties imposing additional duties on keepers and employers of garages and repair shops providing refunds to certain persons entering Federal services and making an appropriation

With the request that it be recommitted to the Committee on Highways after two readings.

REPORT FROM COMMITTEE OF CONFERENCE ON SENATE BILL No. 588

Mr. BECKER. Mr. President, I desire to make a report from the Committee of Conference on Senate Bill No. 588, entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, by prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments.

The PRESIDENT. The report will be noted on tomorrow's Calendar.

Mr. CRIDER, from the Committee on State Government, reported as committed, Senate Bill No. 1290, (House Bill No. 1720), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor.

Mr. THOMAS, from the Committee on County Government, reported as committed, Senate Bill No. 909, entitled:

An Act to further amend section two hundred twenty-

seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for the appointment of minute clerks in certain courts in counties of the third class.

Mr. MALLERY, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1274, (House Bill No. 1178), entitled:

An Act providing that the compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election.

Mr. CHAPMAN, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 956, (House Bill No. 489), entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

REPORT OF BITUMINOUS COAL STUDY COMMISSION

Mr. HALUSKA. Mr. President, I desire to submit a report to the General Assembly of the Bituminous Coal Study Commission, created in the 1937 session and re-enacted by the 1939 session. Copies of the report are now being placed on the desks of the Senators. Between now and the time of adjournment sine die, if any of the Senators are interested and desire additional information, I shall be glad to be interrogated and give any further information any Senator may desire.

The PRESIDENT. The receipt of the report will be noted in the Journal.

PERMISSION TO ADDRESS SENATE

Mr. STIEFEL. Mr. President, I desire to make a brief statement.

The PRESIDENT. If there is no objection, the gentleman from Philadelphia may proceed.

Mr. STIEFEL. Mr. President and Members of the Senate, during the present session of the Legislature, there were several voices raised anent the location of the proposed Veterans' Hospital for Pennsylvania. Naturally, Senators representing populous areas of this great Commonwealth urged that the proposed hospital be located in their vicinity. It is not my intention to throw an additional apple of discord into this august body, but I feel that I will be remiss in my duty if I will not direct the attention of the membership of the Senate to certain statistical reasons that impel me to insist upon the location of the proposed Veterans' Hospital in the metropolitan area of Philadelphia.

It is not my intention to shower accolades of praise and approval on Congressman Michael Joseph Bradley of Philadelphia, but it is a known fact that he spent years in studying all the data pertaining to the location of the proposed Veterans' Hospital, and is probably the best-informed person in Pennsylvania on this subject and matters cognate thereto. Repeatedly, Congressman Bradley raised his voice before the Federal Hospitalization

Board regarding the location of the proposed Veterans Hospital in Pennsylvania, urging that same be located in the Philadelphia metropolitan area. In support of his position, Congressman Bradley marshalled valuable and reliable statistics. These statistics can be found in the Appendix to the Congressional Record of April 30, 1941 on Pages A2146 and A2147. I quote from the statement made by Congressman Bradley before a subcommittee of the Federal Board of Hospitalization on January 16, 1941:

"I represent a district in Philadelphia. I want to say at the outset, I don't wish to take the position that the hospital should be located absolutely within the confines of Philadelphia; however, I do feel that the area now served by the naval hospital in Pennsylvania, in the area of Philadelphia, the eastern part of Pennsylvania, is where this new hospital should be located. As you well know, the Veterans' Administration is providing beds for about 500 to 600 patients in Philadelphia. With the present expansion, the building up of our Navy, and so forth, it is fair to assume that in the future the Navy is going to have greater need for the hospital in the city of Philadelphia and for that reason we have to provide adequate facilities for the veterans in the eastern part of the State of Pennsylvania. I don't think that in other parts of the state the needs at present are as great as in the eastern part of the state.

"The official figures of the Veterans' Administration indicate that the center of population affected by the present congested hospital situation is in the metropolitan area of Philadelphia. In the fiscal year 1938 there were 4,585 patients received in the naval hospital in Philadelphia. Of that number 4,042 came from the Philadelphia area, indicating that there were only about 500 some odd cases from the Harrisburg or the Scranton territory. In the fiscal year 1939 there were 4,447 patients in the naval hospital in Philadelphia, of which 4,075 came from the Philadelphia area. So far for the fiscal year 1940, from July to December, there were 2,426 patients in the naval hospital, of which 2,054 came from the Philadelphia area.

"In the eastern part of Pennsylvania there are 200,000 potential cases of veterans of which about 140,000 to 150,000 are located in the Philadelphia area. We have in Philadelphia perhaps the greatest medical center in the world. One of the chief causes of complaint at the present time is that the veterans are denied the services of the most eminent physicians and specialists in the United States. If the hospital is located too far from the metropolitan area of Philadelphia, we will continue to be without the services of these men who are willing to volunteer their services for \$1 a year. To my way of thinking there would be no justification for locating this hospital anywhere except in eastern Pennsylvania and at a site that would be as near to the city of Philadelphia as would be possible and at the same time provide for certain environments which would be desirable.

"I think that the Board should take into consideration the number of patients who have been given treatment during the past 3 or 4 years and where they are located, and the hospital should be in a place where it would be accessible to the largest number of men and where transportation facilities would be easily provided, not only for the purpose of taking the men to the hospital but also for visitors; and I say that if the hospital should be erected in

central Pennsylvania, we in eastern Pennsylvania will be back to the Veterans' Administration next year for a facility in the eastern part of the state, which we are entitled to, because we cannot agree that there will be any justification, even for the purpose of a so-called soldiers' home, in locating this institution or this facility in any part of the state where it would not serve the area where the greatest number of veterans now are and for whom adequate hospital facilities have not been provided. I submit to the Board the figures, which are the official figures of the Veterans' Administration, showing the resident location of the men who have been receiving hospitalization for the last 3 years."

I feel that I am voicing the sentiments of all my colleagues from Philadelphia in stating that we are in full accord with the position of Congressman Bradley, which is based upon scientific research and is dictated by inescapable logic.

PERMISSION TO ADDRESS SENATE

Mr. MALLERY. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The gentleman from Blair will proceed.

Mr. MALLERY. Mr. President, a week or so ago it came to my attention that one of the large chemical industries in Pennsylvania, located near Philadelphia, contemplates expanding, and for the reason that there might be a possibility of air raids they are seriously considering locating that industry out of Pennsylvania.

The remarks of the gentleman from Philadelphia, Mr. Stiefel, cause me to mention that fact and it would seem to me to be unwise to locate any more veterans' hospitals at points where, if we are to become engaged in this war, they might be bombed. I think it would be much wiser that such institutions be located in the central part of the state.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 381

Mr. EALY. Mr. President, I move that the Senate do now adopt the Report of the Committee of Conference on Senate Bill No. 381.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL No. 381

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 381, entitled:

"An Act relating to counties of the second third fourth fifth sixth and seventh classes and revising amending and consolidating the laws relating thereto" by authorizing the acquisition operation and leasing of aviation landing fields and airdromes by counties.

Respectfully submit the following bill as our report:

L. E. CHAPMAN
A. H. LETZLER
LEO C. MUNDY

(Committee on the Part of the Senate)

ED. C. SCHWAB
HARRY P. O'NEILL
MATTHEW T. KNOBLE
(Committee on the Part of the House of Representatives)

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth and seventh classes and revising amending and consolidating the laws relating thereto" by authorizing the acquisition operation and leasing of aviation landing fields and airdromes by counties of the second third fourth fifth sixth and seventh classes conferring certain powers of eminent domain upon such counties for the acquisition of lands for aviation landing fields and airdromes authorizing such counties to appropriate for such purposes unredeemed lands purchased at tax sales providing for the jurisdiction of condemnation proceedings where lands are situated in more than one county authorizing such counties to act jointly with certain political subdivisions in the operation and maintenance of aviation landing fields and airdromes and providing for the expenditure of funds for such purposes in cooperation with certain State Federal or other public agencies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth and seventh classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto after section four hundred and ninety-five the following sections

Section 496 Any county of the second third fourth fifth sixth or seventh classes may acquire by lease purchase or condemnation proceedings any land lying within its territorial limits or the territorial limits of any adjoining county which in the judgment of the county commissioners may be necessary and desirable for the purpose of establishing and maintaining airdromes or landing fields but no such land shall be so acquired in any adjoining county without the assent of the county commissioners thereof Any such county may also appropriate for such purposes any lands heretofore or hereafter purchased by it at any tax sale and which have not been redeemed within the period provided by law

Section 496.1 The proceedings for the condemnation of lands under the provisions of this act and for the assessment of damages for property taken injured or destroyed shall be conducted in the same manner as now provided by law for the condemnation of land for buildings for county purposes in the county in which the land is situated

The title acquired by virtue of any such condemnation shall be a title in fee simple

Section 496.2 Any such county acquiring land for any aeronautical purposes may lease the same or part thereof for an adequate consideration after due public notice and with the consent and approval of the taxing authorities of the county acquiring such land to any individual or corporation desiring to use the same for the purposes of landing or starting an airplane therefrom or for other aeronautical purposes on such terms and subject to such conditions and regulations as may be provided Any such county may enter into a contract in the form of a lease providing for the use of said land or any part thereof by the Government of the United States for air mail delivery or other aeronautical purposes upon nominal rental or without consideration

Section 496.3 Any such county acquiring land for any aviation purpose may operate and maintain said airdromes or aviation landing fields jointly with any city county borough town or township or other political subdivision upon such terms and conditions as may be agreed upon between the corporate authorities thereof and the county commissioners of such county

Section 496.4 Any such county acquiring any land for such purpose may by resolution of the board of commissioners appropriate such funds as are necessary for the

engineering design surveys and construction of such an airport either wholly by themselves or in cooperation with State Federal or other public agencies supplying a portion of the necessary funds for said work

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanius,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 652, (House Bill No. 1098), Report of Committee of Conference, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS
RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 901, (House Bill No. 1259), entitled:

An Act authorizing the creation of and providing for

and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; imposing certain charges on counties; fixing penalties.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanius,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 653, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth, vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employes of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties and making an appropriation and repealing certain acts and parts thereof

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanius,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 904, (House Bill No. 1543, on final passage, entitled:

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 952, (House Bill No. 348), entitled:

An Act making an appropriation to the Department of Welfare, to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanius,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1108, (House Bill No. 820), on final passage, entitled:

An Act to amend section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended exempting from the mercantile license tax so much of the business of manufacturers and mechanics as comprises the vending of goods of their manufacture from their factories and workshops

go over in its order, as it is not up from the printer.

Mr. COLEMAN. At the request of the Senator from Philadelphia, Mr. Jaspan, I ask that it go over in order, even should it come up from the printer.

Mr. EALY. In view of the fact it is a House Bill, I suppose there is no objection that it go over in order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1134, (House Bill No. 220), entitled:

An Act to amend section four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" requiring the Department of Highways to take over structures bridges and viaducts on State highways in cities of the second class A and third class.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

RECONSIDERATION OF SENATE BILL NO. 1134
(HOUSE BILL No. 220)

Mr. MALLERY. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. MALLERY. Mr. President, I voted "aye".

Mr. WALKER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. WALKER. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. MALLERY. Mr. President, I ask unanimous consent to amend title, page 2, line 10 of title, by striking out the word "requiring" and inserting in lieu thereof "authorizing"; amend Sec. 1, page 4, line 11, by striking out after the word "county" the following: "shall" and inserting in lieu thereof "may"

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1142, (House Bill No. 723), on final passage, entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1210, (House Bill No. 1729), on final passage, entitled:

An Act to further amend section seven of and to add section fourteen and one-tenth to the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvement and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" prohibiting the construction maintenance or operation of facilities, works and improvements for the generation or development of power and authorizing the Secretary of Highways and the various political subdivisions with the approval of the Water and Power Resources Board to grant easements and flowage rights to the Federal Government over certain highways roads streets bridges and adjacent lands

go over in its order.

The PRESIDENT. Is there objection?

Mr. CROWE. Mr. President, I desire to interrogate the gentleman from Lackawanna.

The PRESIDENT. Will the gentleman from Lackawanna permit himself to be interrogated?

Mr. COLEMAN. I will, Mr. President.

Mr. CROWE. I desire, Mr. President, to ask the gentleman from Lackawanna his objection to the bill.

Mr. COLEMAN. Mr. President, I do not think we should tie up the General Assembly because of the absence of one member. However, the gentleman from Philadelphia, Senator Jaspan, asked me and as a courtesy to him I have asked that the bill go over in its order.

Mr. EALY. Mr. President, will the gentleman from Philadelphia, Senator Jaspan, be present to-morrow or Monday?

Mr. President, the gentleman from Monroe, Senator Crowe, who is interested in this bill has consented that it go over in its order. Therefore I have no objections.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1215, on final passage, entitled:

A Supplement to the act, approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act No. 12A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 513, on third reading, entitled:

An Act creating a commission to be known as the Pennsylvania Board of Tax Appeals; defining in part the powers and duties of such commission; abolishing the Board of Finance and Revenue of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Board of Tax Appeals the records, employees, property, and equipment of the Board of Finance and Revenue; authorizing the Pennsylvania Board of Tax Appeals to appear in and complete all pending proceedings, instituted before, by or against the Board of Finance and Revenue; providing that all decisions, orders, and rules and regulations of the latter board shall remain effective until repealed, changed or modified by the Pennsylvania Board of Tax Appeals, and transferring and appropriating to the Pennsylvania Board of Tax Appeals any unexpended balance of any existing appropriation to the Board of Finance and Revenue

go over in its order, as there are, I believe some amendments to be introduced which are not yet ready.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 532, (House Bill No. 550), on third reading, entitled:

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 9) entitled "An act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. In explanation, Mr. President, I might say there is a bill on the second reading Calendar which we wish to advance to third reading today in order that tomorrow or Monday we may pass this bill and also a companion bill. I do not have the number of the companion bill but it deals with the same subject.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 589, (House Bill No. 1092), as follows:

An Act making an appropriation for the expenses of the committee of the House of Representatives created by House Resolution Serial Number forty-nine adopted the nineteenth day of February one thousand nine hundred forty-one

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty-five hundred dollars (\$3,500.00) or so much thereof as may be necessary is hereby specifically appropriated to the committee created by House Resolution Serial Number forty-nine adopted the nineteenth day of February one thousand nine hundred forty-one and authorized thereby to make an investigation of the causes and reasons for gas main explosions in the city and county of Philadelphia for the payment of the expenses of such investigation by the committee including the cost of subpoenaing witnesses witness fees stenographic service the wages or other compensation of necessary clerical assistants and any other expenses of every kind and description which may be authorized by a majority of the committee in connection with the conduct of its work

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanier,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 654, as follows:

An Act to amend sections two hundred two and four hundred fifty-two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" as amended in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two hundred two and four hundred and fifty-two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" as last amended by section one of the act approved the sixth day of June one thousand nine hundred and thirty-nine (P. L. 250) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section and in the Executive Department as follows

In the Executive Department

State Civil Service Commission

In the Department of State

State Employees' Retirement Board

In the Department of Justice

Board of Pardons

Board of Commissioners on Uniform State Laws

In the Treasury Department

Board of Finance and Revenue

In the Department of Internal Affairs

Board of Property

In the Department of Public Instruction
 State Council of Education
 Pennsylvania State Board of Censors
 Public School Employes' Retirement Board
 Pennsylvania Historical Commission
 Board of Trustees of Thaddeus Stevens Industrial School
 Board of Trustees of Pennsylvania State Oral School for the Deaf
 Board of Trustees of Pennsylvania Soldiers' Orphan School
 Board of Trustees of West Chester State Teachers' College
 Board of Trustees of Millersville State Teachers' College
 Board of Trustees of Kutztown State Teachers' College
 Board of Trustees of East Stroudsburg State Teachers' College
 Board of Trustees of Mansfield State Teachers' College
 Board of Trustees of Bloomsburg State Teachers' College
 Board of Trustees of Shippensburg State Teachers' College
 Board of Trustees of Lock Haven State Teachers' College
 Board of Trustees of Indiana State Teachers' College
 Board of Trustees of California State Teachers' College
 Board of Trustees of Slippery Rock State Teachers' College
 Board of Trustees of Edinboro State Teachers' College
 Board of Trustees of Clarion State Teachers' College
 Board of Trustees of Cheyney Training School for Teachers
 State Board of Medical Education and Licensure
 State Board of Pharmacy
 State Dental Council and Examining Board
 State Board of Optometrical Examiners
 State Board of Osteopathic Examiners
 Osteopathic Surgeons' Examining Board
 State Board of Examiners for the Registration of Nurses
 State Board of Veterinary Medical Examiners
 State Board for the Examination of Public Accountants
 State Board of Examiners of Architects
 Anthracite Mine Inspectors' Examining Board
 Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
 State Registration Board for Professional Engineers [State Civil Service Commissions]
 In the Department of Military Affairs
 Armory Board of the State of Pennsylvania
 Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
 In the Department of Banking
 Board to License Private Bankers
 Pennsylvania Securities Commission
 In the Department of Agriculture
 State Farm Products Show Commission
 In the Department of Forests and Waters
 Water and Power Resources Board
 Geographic Board
 Lake Erie and Ohio River Canal Board
 Pennsylvania State Park and Harbor Commission of Erie
 Washington Crossing Park Commission
 Valley Forge Park Commission
 Fort Washington Park Commission
 In the Department of Mines
 Anthracite Mine Inspectors
 Bituminous Mine Inspectors
 In the Department of Highways
 State Bridge Commission

In the Department of Health
 Sanitary Water Board
 State Board of Undertakers
 In the Department of Labor and Industry
 Workmen's Compensation Board
 Workmen's Compensation Referees
 State Workmen's Insurance Board
 The Industrial Board
 In the Department of Welfare
 State Council for the Blind
 Board of Trustees of Eastern State Penitentiary
 Board of Trustees of Western State Penitentiary
 Board of Trustees of Pennsylvania Industrial School which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents
 Board of Trustees of State Industrial Home for Women
 Board of Trustees of Pennsylvania Training School
 Board of Trustees of Allentown State Hospital
 Board of Trustees of Danville State Hospital
 Board of Trustees of Farview State Hospital
 Board of Trustees of Harrisburg State Hospital
 Board of Trustees of Norristown State Hospital
 Board of Trustees of Warren State Hospital
 Board of Trustees of Wernersville State Hospital
 Board of Trustees of Torrance State Hospital
 Board of Trustees of Ashland State Hospital
 Board of Trustees of Blossburg State Hospital
 Board of Trustees of Coaldale State Hospital
 Board of Trustees of Connellsville State Hospital
 Board of Trustees of Hazleton State Hospital
 Board of Trustees of Locust Mountain State Hospital
 Board of Trustees of Nanticoke State Hospital
 Board of Trustees of Philipsburg State Hospital
 Board of Trustees of Scranton State Hospital
 Board of Trustees of Shamokin State Hospital
 Board of Trustees of Laurelton State Village
 Board of Trustees of Pennhurst State School
 Board of Trustees of Polk State School
 Board of Trustees of Selinsgrove State Colony for Epileptics

In addition to the foregoing there are hereby created as departmental administrative boards in the Department of Welfare boards of trustees for the respective institutions which are acquired by the Commonwealth from counties cities or institution districts for actual use as State mental hospitals under the provisions of act number twenty-one approved the twenty-ninth day of September one thousand nine hundred thirty-eight Each respective board of trustees shall be known as the Board of Trustees of the (descriptive name of political subdivision in which institution is located)

In the Department of Property and Supplies
 Board of Commissioners of Public Grounds and Buildings
 State Art Commission
 In the Department of Revenue
 State Athletic Commission
 In the Department of Public Assistance
 State Board of Public Assistance
 In the Department of Commerce
 State Planning Board
 All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 2 Section four hundred fifty-two of said act which was supplied by section eight of the act approved the sixth day of June one thousand nine hundred thirty-nine is hereby amended to read as follows

Section 452 State Civil Service Commission The State Civil Service Commission is hereby created and shall consist of three members Of the original members one shall

be appointed for a term of two years one for a term of four years and one for a term of six years from the date of his appointment and until his successor shall have been appointed and qualified Thereafter each appointment shall be for a term of six years or until a successor is appointed and qualified The members of the commission shall have qualifications for appointment and shall be removable from office as provided by law The Governor shall designate one of the members as chairman

Each member of the Commission shall be paid at the rate of twenty-five dollars per day for the time actually devoted to the business of the Commission but except during the first year after the effective date of this act no member shall be paid more than one thousand five hundred dollars in any one year

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Ealy,	Lanuis,	Tallman,
Barr,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson. H. L.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 700, (House Bill No. 99), on third reading, entitled:

An Act to amend sections one and two of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities," by exempting certain clubs from such limitation and by providing that retail dispensers licenses may be exchanged or surrendered for liquor licenses without violating the limits upon the number of licenses imposed by such act; and authorizing the Pennsylvania Liquor Control Board to effect such exchange or substitution upon compliance with certain conditions

go over in its order, as they are some amendments to be prepared.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 736, as follows:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" as amended by adding subsection (d) authorizing departments boards or commissions to grant easements or rights of way upon across over under or along lands of the Commonwealth under certain conditions in the interest of National Defense

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-five (P. L. 2041) is hereby further amended to read as follows

Section 514 Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Commonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place upon in or over any land or bridge of or maintained by the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or if such line is necessary for the service of persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line Every such license shall be revocable upon six months written notice by the Commonwealth and upon such other proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe and unless any such line is primarily for the benefit of a State building or State institution the license shall provide for

the payment to the Commonwealth of compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

But nothing herein contained shall authorize the Commonwealth to impose and collect from any municipality or township any compensation for a license granted to such municipality or township for the running of a public service line over any such bridge

(b) Any department board or commission having control over lands of the Commonwealth underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonwealth. Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the department of Internal Affairs

(c) Any department board or commission having control over any water supply serving any State institution or sanatorium may with the approval of the Governor permit and authorize the public authorities of any political subdivision to which no other source of supply is available under suitable regulations to tap the lines of any water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanatorium and may impose reasonable charges payable periodically by such political subdivisions for the water so furnished. All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue

(d) In the event that the facilities of any corporation heretofore created under the Act of April 29 1874 Pamphlet Laws 73 Section 2 Clause 11 as amended by the act of May 8 1889 Pamphlet Laws 136 are located by virtue of a permanent easement or right-of-way upon across over under or along lands of the Commonwealth which lands were acquired by it subject to such easement or right-of-way and in the interest of National Defense such corporation consents or is required to remove or dispose of such facilities and abandon such easement or right-of-way any department board or commission having control over such lands of the Commonwealth may with the approval of the Governor and upon the surrender to the Commonwealth of the easement or right-of-way pertaining to such facilities grant to such corporation a permanent easement or right-of-way upon across over under or along other lands of the Commonwealth in the same locality. Every such department board or commission is hereby authorized and empowered to execute and deliver and to receive deeds or other legal instruments necessary to effectuate such grant and surrender which deeds or instruments shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanius,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,

Becker,
Carr,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Dent,

Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Kephart,

Mallery,
McQuiddy,
Mundy,
Ruth,
Scarlett,
Snowden,
Stevenson,
Stiefel,

Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 883, as follows:

An Act to enlarge the powers of the Navigation Commission for the Delaware River and its navigable tributaries with respect to the maintenance operation and financing of a nautical school for the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Navigation Commission for the Delaware River and its navigable tributaries be and the same is hereby authorized to adopt or agree to any regulations which in the discretion of the commission are not contrary to the interests of the Commonwealth of Pennsylvania with any agency of the Government of the United States including the acceptance of such ship or ships as may be loaned to the Commonwealth of Pennsylvania and to accept students designated by any authorized agency of the Government of the United States for such annual fees as may be in the discretion of the commission agreed upon from time to time

Section 2 The said commission is further authorized to provide for such deposits by students as the commission in its discretion may deem necessary to guarantee contingent costs and expenses during the course of the students' training on board the Pennsylvania Nautical Schoolship not otherwise provided for by State or Federal appropriations

Section 3 It is hereby declared that it is not the purpose of the General Assembly to repeal or modify any existing legislation on the subject hereof except where the same may be supplied hereby

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,
Bartlett,
Becker,
Carr,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Dent,

Ealy,
Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Kephart,

Lanius,
Letzler,
Mallery,
McQuiddy,
Mundy,
Ruth,
Scarlett,
Snowden,
Stevenson,
Stiefel,

Tallman,
Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 913, as follows:

An Act authorizing and directing the Department of Revenue to prepare airport approach plans for publicly owned airports empowering and directing such department and also counties municipalities and other political subdivisions to promulgate administer and enforce airport zoning regulations limiting the height of structures excepting those structures that are under the jurisdiction of the Pennsylvania Public Utility Commission and objects of natural growth and otherwise regulating the use of property in the vicinity of such airports providing for the granting of zoning permits and variances and for appeals from zoning regulations authorizing the acquisition by purchase grant or condemnation of air rights and other interests in land and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions As used in this act unless the context otherwise requires

(1) "Airport" means any locality either of water or land which is adopted for the landing and taking off of aircraft and which provides facilities for shelter supply and repair of aircraft or a place used regularly for receiving or discharging passengers or cargo by air

(2) "Airport hazard" means any structure or tree which obstructs the aerial approaches of a publicly owned airport or it is otherwise hazardous to its use for landing or taking-off except those structures that are under the jurisdiction of the Pennsylvania Public Utility Commission

(3) An airport is "publicly owned" if the portion thereof used for the landing and taking-off of aircraft is owned by a governmental body political subdivision public agency or other public corporation

(4) "Department" means Department of Revenue

(5) "Person" means any individual firm copartnership corporation company association joint-stock-association or body politic and includes any trustee receiver assignee or other similar representative thereof

(6) "Structure" means any object constructed or installed by man including but without limitation buildings towers and smokestacks except those structures that are under the jurisdiction of the Pennsylvania Public Utility Commission

(7) "Tree" means any object of natural growth

Section 2 Airport Hazards Not in Public Interest It is hereby found and declared that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and also if of the obstruction type in effect reduces the size of the area available for the landing taking-off and maneuvering of aircraft thus tending to destroy or impair the utility of the airport and the public investment therein and is therefore not in the interest of the public health public safety or general welfare

Section 3 Preparation of Airport Approach Plans The department is hereby empowered and directed to formulate and adopt and from time to time as may be necessary revise an airport approach plan for each publicly owned airport in the State Each such plan shall indicate the circumstances in which structures and trees are or would be airport hazards the area within which measures for the protection of the airport's aerial approaches should be taken and what the height limits and other objectives of such measures should be In adopting or revising any such plan the department shall consider among other things the character of the flying operations expected to be conducted at the airport the nature of the terrain the height of existing structures and trees above the level of the airport and the possibility of lowering or removing existing obstructions and the department may obtain and

consider the views of the agency of the Federal Government charged with the fostering of civil aeronautics as to the aerial approaches necessary to safe flying operations at the airport

Section 4 Adoption of Airport Zoning Regulations (1) The department for the purpose of protecting airport approaches shall adopt administer and enforce airport zoning regulations applicable to such area which regulations shall divide the area into zones and within such zones specify the land uses permitted regulate and restrict the height to which structures and trees may be erected or allowed to grow and impose such other restrictions and requirements as may be necessary to effectuate the department's approach plan for the airport

(2) In the event that a political subdivision has adopted or hereafter adopts a general zoning ordinance regulating among other things the height of buildings any airport zoning regulations adopted for the same area or portion thereof under this act may be incorporated in and made a part of such general zoning regulations and be administered and enforced in connection therewith but such general zoning regulations shall not limit the effectiveness or scope of the regulations adopted under this act

(3) Any zoning or other regulations applicable to any area within which according to an airport approach plan adopted by the department measures should be taken for the protection of airport approaches including not only any airport zoning regulations adopted under this act but any zoning or other regulations dealing with the same or similar matters that have been or may be adopted under authority other than that conferred by this act shall be consistent with and conform to the department's approach plan for such area and shall be amended from time to time as may be necessary to conform to any revision of the plan that may be made by the department

(4) All airport zoning regulations adopted under this act shall be reasonable and none shall require the removal lowering or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended or otherwise interfere with the continuance of any non-conforming use except as provided in section five (1)

Section 5 Permits and Variances (1) Permits To facilitate the enforcement of zoning regulations adopted pursuant to this act a system shall be established for granting permits to establish or construct new structures and other uses and to replace existing structures and other uses or make substantial changes therein or substantial repairs thereof In any event before any non-conforming structure or tree may be replaced substantially altered or repaired rebuilt allowed to grow higher or replanted a permit must be secured from the department authorizing such replacement change or repair No such permit shall be granted that would allow the structure or tree in question to be made higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted and whenever the department determines that a non-conforming structure or tree has been abandoned or more than eighty per centum torn down destroyed deteriorated or decayed (a) no permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations and (b) whether application is made for a permit under this paragraph or not the said department may by appropriate action compel the owner of the non-conforming structure or tree at his own expense to lower remove reconstruct or equip such object as may be necessary to conform to the regulations or if the owner of the non-conforming structure or tree shall neglect or refuse to comply with such order for ten days after notice thereof the said department may proceed to have the object so lowered removed reconstructed or equipped and assess the cost and the expense thereof upon the object or the land whereon it is or was located Unless such an assessment is paid within ninety days from the service of notice thereof on the agent or owner of such object or land the sum shall bear interest at the rate of ten per centum per annum until

paid and shall be collected in the same manner as are general taxes Except as indicated all applications for permits for replacement change or repair of non-conforming uses shall be granted

(2) Variances Any person desiring to erect any structure or increase the height of any structure or permit the growth of any tree or otherwise use his property in violation of airport zoning regulations adopted under this act may apply to the department for a variance from the zoning regulations in question Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the regulations

(3) Obstruction Marking and Lighting In granting any permit or variance under this section the department may if it deems such action advisable to effectuate the purposes of this act and reasonable in the circumstances so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision at his own expense to install operate and maintain suitable obstruction markers and obstruction lights thereon

Section 6 Procedure (1) Adoption of Zoning Regulations No airport zoning regulations shall be adopted amended or changed under this act except by action of the department after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard The public hearing shall be conducted by the county commissioners of the county in which the said zoning regulations will have effect The said county commissioners shall after such public hearing transmit notes of testimony plus its recommendations to the department At least fifteen days' notice of the hearing shall be published in a legal periodical or a periodical of general circulation in the counties

(2) Administration of Zoning Regulations Administrative Agency The department after adopting zoning regulations for airports shall delegate the duty of administering and enforcing such regulations to the county commissioners of the county in which the airport is located The county commissioners however shall not hear any appeals from their own orders but such appeals shall be heard by the department

(3) Administration of Airport Zoning Regulations The department may not delegate the following matters to the county commissioners but must itself take change of such matters

(a) To hear and decide appeals from any order requirements decision or determination made by the administrative agency in the enforcement of this act or of any ordinance adopted pursuant thereto

(b) To hear and decide special exceptions to the terms of this statute upon which such department may be required to pass under this statute

Where the Department has delegated initial authority to the county commissioners appeals may be taken by any person aggrieved or by any officer department board or bureau of the political subdivision affected by any decision of the county commissioners An appeal must be taken within a reasonable time as provided for by the rules and regulations promulgated by the department Upon taking an appeal the appeal must be filed with the county commissioners and a notice of the appeal specifying the grounds thereof must be filed with the department The county commissioners shall forthwith transmit to the department all papers constituting the record upon which the action appealed from was taken

An appeal shall stay all proceedings in furtherance of the action appealed from unless the county commissioners from which the appeal is taken certifies to the department after the notice of appeal has been filed with it that by reason of the facts stated in the certificate a stay would in its opinion cause imminent peril to life or property In such case proceedings shall not be stayed otherwise than by a restraining order which may be

granted by the department or by a court of record on application on notice to the agency from which the appeal is taken and on due cause shown

The department shall fix a reasonable time for the hearing of the appeal give public notice and due notice to the parties in interest and decide the same within a reasonable time Upon the hearing any party may appear in person or by agent or by attorney

The department may in conformity with the provisions of this act reverse or affirm wholly or partly or modify the order requirement decision or determination appealed from and may make such order requirement decision or determination as ought to be made and to that end shall have all the powers of the administrative agency from which the appeal is taken

Section 7 Judicial Review (1) Any person aggrieved by any decision of the department or any taxpayer or any officer department board or bureau of the political subdivision may present to the common pleas court of the county in which the airport is located a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality Such petition shall be presented to the court within thirty days after the decision is filed in the department

(2) Upon presentation of such petition the court may allow a writ of certiorari directed to the department to review such decision of the department The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may on application on notice to the department and on due cause shown grant a restraining order

(3) The department shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified

(4) The court shall have exclusive jurisdiction to affirm modify or set aside the decision brought up for review in whole or in part and if need be to order further proceedings by the department The findings of fact by the department if supported by substantial evidence shall be accepted by the court as conclusive and no objection to a decision of the department shall be considered by the court unless such objection shall have been urged before the department or if it was not so urged unless there were reasonable grounds for failure to do so

(5) Costs shall not be allowed against the department unless it appears to be the court that it acted with gross negligence in bad faith or with malice in making the decision appealed from

Section 8 Enforcement and Remedies Each violation of this act or of any regulations order or ruling promulgated or made pursuant to this act shall constitute a misdemeanor and shall be punishable by a fine of not more than two hundred dollars (\$200) or imprisonment for not more than two (2) years or by both such fine and imprisonment and each day a violation continues to exist shall constitute a separate offense In addition either the political subdivision within which the property is located or the department may institute in any court of competent jurisdiction an action to prevent restrain correct or abate any violation of this act or of airport zoning regulations adopted under this act or of any order or ruling made in connection with their administration or enforcement and the court shall adjudge to the plaintiff such relief by way of injunction (which may be mandatory) or otherwise as may be proper under all the facts and circumstances of the case in order fully to effectuate the purposes of this act and of the regulations adopted and orders and rulings made pursuant thereto

Section 9 Acquisition of Air Rights In any case in which (1) it is desired to remove lower or otherwise terminate a non-conforming use or (2) the approach protection necessary according to the department's airport approach plan cannot because of constitutional limitations be provided by airport zoning regulations under this act

or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations the political subdivision within which the property or non-conforming use is located the political subdivision owning the airport or served by it or the department may acquire by purchase grant or condemnation in the manner provided by the law under which political subdivisions are authorized to acquire real property for public purposes such an air right easement or other estate or interest in the property or non-conforming use in question as may be necessary to effectuate the purposes of this act

Section 10 Severability If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section 11 Short Title This act shall be known and may be cited as the "Airport Zoning Act"

Section 12 Repeal All acts and parts of acts inconsistent with this act are hereby repealed

Section 13 Time of Taking Effect This act shall become effective.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanlus,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 938, (House Bill No. 49), on third reading, entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia

go over in its order temporarily in order that amendments may be prepared.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1043, (House Bill No. 571), on third reading, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning

June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1066, (House Bill No. 1203), as follows:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred fifty thousand dollars (\$150,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Jefferson Medical College of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred forty-one for the support and promotion of medical education

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanlus,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1071, (House Bill No. 1380), on third reading, entitled:

An Act to further amend the Act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees denying the uses and purposes thereof and the manner of payments therefrom and pro-

viding for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1096, on third reading, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by basing the tax upon the book value of the shares; continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time

go over in its order. I shall also make the same request with respect to Senate Bill 1097.

The PRESIDENT. Is there objection?

Mr. WALKER. Mr. President, I desire to interrogate the gentleman from Lackawanna.

The PRESIDENT. Will the gentleman from Lackawanna permit himself to be interrogated?

Mr. COLEMAN. Gladly, Mr. President.

Mr. WALKER. Mr. President, I desire to ask the gentleman from Lackawanna the reason for requesting that Senate Bill No. 1096 go over in its order.

Mr. COLEMAN. Mr. President, because of the tremendous demand made upon the time and energy of the minority membership of the Senate, we have not had a chance to properly study the bill and we desire that it go over in its order for another day so that we may have an opportunity to make a microscopic examination of its contents.

Mr. WALKER. Mr. President, I would like to call to the attention of the Senate the fact that this is a Senate

bill and that time marches on. If we do not get these bills over to the House they will not have a chance of passing. I wish to impress upon the Senate that this is good legislation and I would like to suggest to the gentleman from Lackawanna that these bills were prepared, at the suggestion of the Department of Revenue, to make the statutory law coincide with the practice in the Department of Revenue. The Department of Revenue is confronted with a large number of appeals filed before them and it costs them thousands of dollars to handle these appeals and when the appeals are finally settled and adjudicated by agreements they are always predicated on the book value of banks and trust companies, and these two bills, Senate Bills Nos. 1096 and 1097, were introduced in order to permit the department to settle the accounts of those banks and trust companies on the book value. These bills have been very carefully considered by the committee and they have been very carefully considered by the Department of Revenue, and they have been approved both by the committee and by the Department of Revenue.

According to a statement by the Department of Revenue, if these two bills are passed and enacted into law, it will save the Department thousands of dollars a year in the handling of these cases and it will also save the banks and trust companies throughout Pennsylvania thousand of dollars every year, because it will eliminate the need for those silly appeals, which are always determined on the book value.

Mr. President, I do object to the request of the gentleman from Lackawanna and I would urge upon the members of the Senate that they pass these bills today so that we can get them over to the House, and have them considered and if possible get them passed. This will mean a saving of money to the Commonwealth. It does not mean a change in practice at all because it merely makes statutory the present departmental practice, and there is absolutely no danger as far as the adjudication of compromise claims is concerned, because all the bank reports are carefully audited by bank examiners. As the gentleman from Lackawanna knows full well, it behooves any bank in Pennsylvania, whether it be a regular bank or trust company, to put its best foot forward, and these two bills are of vital interest not only to the banking interests but to the Department of Revenue, and it was due to the fact that they were so carefully scrutinized in committee that they appeared so late on the Calendar and I would urge the gentleman from Lackawanna to cooperate with us in this instance in having these two bills passed. The Department wants to save the money, the banks in Pennsylvania want to save the money and the banks in Lackawanna County want to save the money.

Mr. COLEMAN. Mr. President, one of the cardinal principles of a member of the General Assembly is that when he is in doubt about a particular bill he generally votes "no." While I appreciate the very illuminating explanation of the gentleman from Allegheny—I believe the bill has some merit—we desire at least another day to further study it.

My suggestion to the gentleman from Allegheny is, if he is fearful of not having enough legislative days to pass these bills, there is a bill which I think transcends in importance this particular bill which I understand will be made a special order of business on Monday afternoon at

four o'clock. I refer to the bill regulating municipal authorities. If we intend to adjourn next Wednesday or Thursday and they feel a bill of such importance can still have enough legislative days to pass the House, if made a special order of business Monday, I see no particular objection to permitting this bill to go over for at least another day, to permit myself and the attorneys of the Democratic side an opportunity to study every phase of this bill. If not, Mr. President, those of us on the minority side shall have to vote "no" on the bill.

Mr. WALKER. Mr. President, I desire to interrogate the gentleman from Somerset.

The PRESIDENT. Will the gentleman from Somerset permit himself to be interrogated?

Mr. EALY. I will, Mr. President.

Mr. WALKER. Mr. President, I desire to inquire of the gentleman from Somerset whether the Senate will be in session tomorrow.

Mr. EALY. I am unable to answer the question, Mr. President. My present information is that we will be in session, but probably with a reduced membership.

Mr. WALKER. Mr. President, I agree with the gentleman from Lackawanna, Mr. Coleman, that I do not like to make issues out of bills and fly the flag of urgency in the face of courtesy, but these bills are important and I want to say to the gentleman from Lackawanna—not speaking particularly as a champion of these bills, because I do not represent any banks or banking interests or the Department of Revenue—that banks in my district have asked me to assist putting these bills through so that they will not be obliged to go through the silly compromise settlements year after year, when tax claims are adjudicated on the basis of their book value. The department has followed that practice for years and this merely legalizes the practice and makes it statutory. The gentleman from Lackawanna knows full well if we leave this bill go until Monday we can not expect the House to bounce the bill through on the say so of the Senate. We know that they have a practice in the House that no bill comes out of any committee in the House unless and until the rules committee approves it, and if this bill should be hung up for one legislative day in the House it will never be passed, because the current rumor on the Hill is that we are going to adjourn sine die before the fourth of July. I appreciate that rumors on Capitol Hill are just as prolific as in the army and they all spring from the same source but, Mr. President, I do insist that this bill be disposed of today, because I believe the Department of Revenue and the committee which considered this bill are entitled to have a determination of the issue.

The bill has been on the Calendar for some time and was in committee for some time; I do not know whether the gentleman from Lackawanna was a member of the committee that considered this bill, but I do know I was present when the bills were considered and they were carefully considered and I think that they are entitled to be determined today.

Mr. HALUSKA. Mr. President, I wish to enlighten the gentleman from Allegheny, Mr. Walker. I just came over from the House, and while this may not be authentic, a number of the House leaders informed me that they had planned a midnight session tonight, but that plan had been eliminated and they now are definitely sure that we will be here two more weeks. If that should be the case, I

suggest that the bill go over in order temporarily until we find out definitely whether or not the House will be in session for two more weeks. If we are, there will be sufficient time to act upon this bill Monday.

Mr. WALKER. Mr. President, I have no objection to this bill going over in order temporarily, but I do object to it going over in order until tomorrow. If the gentleman from Lackawanna desires that it go over in order temporarily, of course, I will not object to that. If we are going to be in session until Christmas, that, of course, raises one issue, but if we are going to adjourn so that the members of the Senate can shoot off their firecrackers at their homes, that raises a separate issue.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Mr. EALY. It being understood, Mr. President, that is agreed to with the right to call this bill up later in the day.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1097, on third reading, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred and ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation," by redefining the base for taxation of shares of stock of banks and savings institutions, and by increasing the rate of tax for a further limited period of time

go over in its order temporarily with the right to call it up later in the day.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1190, as follows:

An Act making an appropriation to the Department of Public Instruction for the cost of improving repairing operating and maintaining the Thaddeus Stevens Industrial School at Lancaster Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seventy-five thousand dollars (\$75,000) is hereby specifically appropriated to the Department of Public Instruction for the payment of salaries wages or other compensation of superintendents and other employes for the payment of general expenses supplies printing and equipment for repairs alterations and improvements to plant and equipment for improvements to land for the construction of additional buildings for the purchase of equipment furniture furnishings and live stock for the expenses of boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Thaddeus Stevens Industrial School at Lancaster Pennsylvania as may be authorized and approved by the Superintendent of Public Instruction

Section 2 The amount herein appropriated shall be in addition to any other appropriation made in the General Appropriation Act of one thousand nine hundred and forty-one to the said Department of Public Instruction for the support and maintenance of the said Thaddeus Stevens Industrial School

And said bill having been read at length the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bart,	Dent,	Kephart,	Stiefel,
Bartlett,	Ealy,	Lanius,	Tallman,
Becker,	Edmonds,	Letzler,	Taylor,
Carr,	Farrell,	Mallery,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Mundy,	Wade,
Cox,	Faluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Snowden,	Wilson. H. I.,
Deitrick,	James,	Stevenson,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1252, (House Bill No. 1837), as follows:

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulations the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common

pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (6) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" as amended by the act approved the fifteenth day of June one thousand nine hundred thirty-nine (P. L. 390) and the act approved the twenty-first day of June one thousand nine hundred thirty-nine (P. L. 636) and clause (7) of said section as amended by the act approved the fifteenth day of June one thousand nine hundred thirty-nine (P. L. 387) are hereby further amended to read as follows

Section 2 Definitions The following words terms and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise

* * * * *

(6) "Common Carrier by Motor Vehicle" means any common carrier who or which holds out or undertakes the transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes any motor vehicle with or without driver for transportation or for use in transportation of persons or property as aforesaid and shall include common carriers by rail water or air and express or forwarding public utilities in so far as such common carriers or such public utilities are engaged in such motor vehicle operations but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any person or corporation who or which provides or furnishes transportation of school children exclusively or (c) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of ashes rubbish dirt [excavated] and road construction materials [(b)] or (d) transportation of property by the owner to himself or to purchasers directly from him in vehicles owned and operated by the owner of such property and not otherwise used in transportation of property for compensation for others

(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes with or without drivers any motor vehicle for such transportation or for use in such transportation other than as a common carrier by motor vehicle but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any bona fide agricultural cooperative association transporting property exclusively for the members of such association on a nonprofit basis or any independent contractor hauling exclusively for such association or (c) any owner or operator of a farm transporting agricultural products from or farm supplies to such farm or any independent contractor hauling agricultural products or farm supplies exclusively for one or more owners or operators of farms (d) any person or corporation who or which provides or furnishes transportation of school children exclusively or (e) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of ashes rubbish [excavated] or road construction materials

Section 2 Section nine hundred eight of said act is hereby amended to read as follows

Section 908 Inspection of and Access to Facilities and Records of Public Utilities The commission shall have full power and authority either by or through its members or duly authorized representatives whenever it shall deem it necessary or proper in carrying out any of the provisions of this act or its duties under this act to enter upon the premises buildings machinery system plant and equipment and make any inspection valuation physical examination inquiry or investigation of any and all plant and equipment facilities property and pertinent records books papers memoranda documents or effects whatsoever of any public utility or any other person or corporation subject to this act and to hold any hearing for such purposes In the performance of such duties the commission may have access to and use any books records or documents in the possession of any department board or commission of the Commonwealth or any political subdivision thereof

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Dent,	Kephart,	Stiefel,
Bartlett,	Faly,	Lanius,	Tallman,
Becker,	Edmonds,	Letzler,	Taylor,
Carr,	Farrell,	Mallery,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Mundy,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Snowden,	Wilson, H. I.,
Deltrick,	James,	Stevenson,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1257, as follows:

An Act to amend section one of the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (P. L. 1016) entitled "An act relating to aeronautics providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth conferring powers and duties on the Department of Revenue with respect thereto and repealing certain acts and parts of acts" by extending the powers of the department in relation to air transport facilities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (P. L. 1016) entitled "An act relating to aeronautics providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth conferring powers and duties on the Department of Revenue with respect thereto and repealing certain acts and parts of acts" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Revenue in connection with the designation and establishment of civil airways within over and above the lands and waters of this Commonwealth as provided by law shall have the power to the extent to which the General Assembly shall have appropriated funds to it or to the Department of Property and Supplies for the purpose

(a) Either alone or in cooperation with counties cities

boroughs or townships to establish operate and maintain along such airways all necessary navigation facilities including airports landing fields and intermediate landing fields

(b) To accept in the name of the Commonwealth donations of airports landing fields or intermediate landing fields or grounds suitable for airports landing fields or intermediate landing field purposes or necessary for safeguarding flying or buildings to be used in connection with airports landing fields or intermediate landing fields

(c) To make recommendations to the Department of Property and Supplies for the acquisition in the name of the Commonwealth by lease purchase or condemnation of lands with or without buildings suitable for the establishment thereon of airports landing fields or intermediate landing fields such lands to be acquired by the Commonwealth acting alone or in cooperation with counties cities boroughs or townships having authority to acquire and maintain such fields

(d) To make additions and improvements in or to airports landing fields or intermediate landing fields and facilities under its control and either alone or in cooperation with others to provide personnel heat light water fuel telephone service drainage runways fueling facilities and lighting facilities and to remove or otherwise eliminate such obstructions as shall menace air travel

(e) Either alone or in cooperation with others to install equip maintain and operate airports landing fields or intermediate landing fields beacons landing lights markers and other air navigation facilities along civil airways established and set apart by it

(f) With the approval of the Governor to execute leases or licenses with or without consideration granting to the government of the United States or any agency thereof or to any county or municipality within this Commonwealth the right to erect operate and maintain upon airports landing fields or intermediate landing fields belonging to the Commonwealth boundary lights and other equipment and air navigation facilities but all such leases and licenses shall be revocable upon six month's notice and shall require the lessee or licensee at its own expense to maintain any structures erected by it under its lease or license

(g) To receive and accept contributions of either money or property or other things of value to be held used and applied for the purposes in this act provided and to receive or accept grants from the United States or any of its agencies for such purposes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Dent,	Kephart,	Stiefel,
Bartlett,	Ealy,	Lanius,	Tallman,
Becker,	Edmonds,	Letzler,	Taylor,
Carr,	Farrell,	Mallery,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Mundy,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Snowden,	Wilson, H. I.,
Deltrick,	James,	Stevenson,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1259, as follows:

An Act to amend article twenty of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain department boards and commissions shall be determined" by authorizing the Department of Highways to construct repair and maintain certain facilities of airports

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article twenty of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" is hereby amended by adding at the end thereof a new section to read as follows

Section 2011 Airports The Department of Highways shall with the approval of the Governor have power and its duty shall be to construct repair and maintain and to enter into contracts for constructing repairing and maintaining all such roads highways runways and landing fields that are a necessary part of lead to or are incident to airports owned aided supported or partly supported by the Commonwealth and to purchase such materials supplies and equipment necessary for the construction repair and maintenance of such roads highways runways and landing fields and to employ all labor necessary therefor

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

NAYS—40

Barr,	Dent,	Kephart,	Stiefel,
Bartlett,	Ealy,	Lanius,	Tallman,

Becker,
Carr,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deltrick,

Edmonds,
Farrell,
Frev,
Geltz,
Haluska,
Heyburn,
Homsher,
James,

Letzler,
Mallery,
McQuiddy,
Mundy,
Ruth,
Scarlett,
Snowden,
Stevenson,

Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1281, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I ask unanimous consent to offer a strike-out amendment as follows: Amend Section 1, page 1, line 12, before the word "authority", by striking out the words: "or municipal"; Amend Section 1, page 2, line 2, after the word "State" and after the word "authorities", by striking out the words: "or municipal".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

SENATE BILL No. 700, (HOUSE BILL No. 99), ON THIRD READING CALLED UP

Mr. DENT. Mr. President, I now call up Senate Bill No. 700, (House Bill No. 99), on third reading, which went over in its order, on page 7 of the Calendar.

Mr. HALUSKA. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 700, (House Bill No. 99), entitled:

An Act to amend sections one and two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting certain clubs from such limitation and by providing that retail dispenser's licenses may be exchanged or surrendered for liquor licenses without violating the limits upon the number of licenses imposed by such act; and authorizing the Pennsylvania Liquor Control Board to effect such ex-

change or substitution upon compliance with certain conditions.

And said bill having been read at length the third time,
And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, this is known as the Club Law Bill, and I intend to move that the vote by which it passed second reading be reconsidered so as to put the bill back on the second reading Calendar, in order to facilitate the adoption of amendments, so that it can be on final passage early next week, if possible. I want to get it into position to be passed, in other words.

Mr. EALY. Does the gentleman from Westmoreland have amendments he desires to offer?

Mr. DENT. That is the difficulty, Mr. President, we are trying to get amendments worked out so that they will be satisfactory to all concerned. We do not want to lose a day in the passage of the bill.

Mr. EALY. Does the gentleman from Westmoreland have any objection to the bill going over in order?

Mr. DENT. If it is on second reading, we can introduce amendments, but I am fearful that if it is on third reading on Monday and we ask unanimous consent to introduce amendments someone will object and say "no," and then I would have to move that the vote by which it passed second reading be reconsidered and if I did not get enough votes, we might lose the bill.

Mr. EALY. Does the gentleman from Westmoreland have his amendments prepared now?

Mr. DENT. No, Mr. President, we have not as yet agreed on the brackets.

RECONSIDERATION OF SENATE BILL No. 700

Mr. DENT. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 700, (House Bill No. 99), passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. DENT. Mr. President, I voted "aye."

Mr. HALUSKA. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HALUSKA. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

REPORTS FROM COMMITTEES

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 946, (House Bill No. 301), entitled:

An Act making an appropriation to Sleighton Farm School for Girls, situate in Delaware County, Pennsylvania.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 940, (House Bill No. 266), entitled:

An Act making an appropriation to The Glen Mills School situate in Delaware County, Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 257, entitled:

An Act making an appropriation to the Nursing School of the University of Pittsburgh, Pittsburgh, Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 258, entitled:

An Act making an appropriation to the Medical School of the University of Pittsburgh, Pittsburgh, Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 399, entitled:

An Act making an appropriation to the Treasury Department for the use of the Board of Finance and Revenue in granting refunds of "store and theatre" tax.

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on Federal Relations reported as amended, Senate Bill No. 1160, (House Bill No. 1650), entitled:

An Act providing for the cooperation of the Commonwealth and certain political subdivisions thereof with the United States in respect to flood control projects authorizing the Secretary of Highways on behalf of the Commonwealth and the authorities of the various counties cities boroughs and townships with the approval of the Water and Power Resources Board to enter into certain agreements with and to grant and convey to the United States certain rights and easements in and relative to the highways streets roads and bridges thereof and lands bordering the same over which such governmental units may have control.

Mr. TYLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TYLER, from the Committee on Forests and Waters, Game and Fish, reported as committed, amended, Senate Bill No. 1288, (House Bill No. 1501), entitled:

An Act authorizing the Secretary of the Department of Forests and waters to lease a tract of land in Jackson Township Dauphin County to the Susquehannock Indian Tribe.

SENATE BILL No. 904 (HOUSE BILL No. 1543) ON FINAL PASSAGE CALLED UP

Mr. KEPHART. Mr. President, I now call up Senate Bill No. 904, (House Bill No. 1543), on final passage, which went over in its order, on page 3 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 904, (House Bill No. 1543), entitled:

An Act providing a method for supplying perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect making such records competent legal evidence prescribing fees and imposing certain duties upon the orphans' court.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanlus,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON SECOND READING

Mr. EALY. Mr. President, on bills on second reading, we would like to go through the Calendar and read the Senate bills and pass them for third reading; then there are three or four House bills that are especially important and the sponsors wish to call them up. Starting at the top of page 13, on that page I find Senate Bill No. 492 and Senate Bill No. 526 and we wish to follow through the second reading Calendar in that order.

The PRESIDENT. The Chair's understanding is that you wish to consider the Senate bills on second reading, and then afterwards consider House bills on second reading as designated.

Mr. EALY. That is correct, Mr. President.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 492, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission for the purchase of furniture and furnishings of the proper period to complete the "Pennsbury Memorial," and to landscape the property connected therewith.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 526, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways; and providing for their construction and maintenance at the expense of

the Commonwealth," establishing an additional route in the boroughs of South Langhorne, Langhorne Manor and Langhorne, Bucks County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 591, entitled:

An Act making an appropriation to the Lower Allen Fire Company for the protection of State property at the Pennsylvania Industrial School at White Hill.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 656, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the borough of Sellersville, Bucks County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 932, entitled:

An Act to further amend section eight hundred and six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government; providing for the settlement assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by changing and restricting the rights of the Commonwealth to impose interest on unpaid tax

and bonus when such tax and bonus are not settled within a certain period of time.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Page 4, line 16, Section 806, after the word "paid" insert the words: "and except further that interest at the rate of 12% shall not apply until 60 days after final settlement of Corporate Net Income Taxes."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 933, entitled:

An Act to further amend clause (a) of section five hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns of reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 937, (HOUSE BILL No. 11), ON SECOND READING CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 937, (House Bill No. 11), on second reading, page 17 of the Calendar.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 937, (House Bill No. 11), entitled:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth establishing the "Pennsylvania Board of Parole" conferring and defining its jurisdiction duties powers and functions including the supervision of persons placed upon probation in certain designated cases providing for the method of appointment of its members regulating the appointment removal and discharge of its officers clerks and employes dividing the Commonwealth into administrative districts for purposes of parole fixing the salaries of members of the board and of certain other officers and employes thereof making violations of certain provisions of this act misdemeanors providing penalties therefor and for other cognate purposes and making an appropriation.

And said bill having been read at length the second time and agreed to,

BILL RECOMMITTED

Mr. EALY. Mr. President, I move that Senate Bill No. 937, (House Bill No. 11), the bill just read, be recommitted to the Committee on Appropriations.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1282, entitled:

An Act making an appropriation to the California State Teachers College, for the purchase of lands needed for the better operation of such college.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1283, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Warren.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1292, entitled:

An Act making an appropriation to the Citizens Fire Company No. 1 of Lemoyne Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1293, entitled:

An Act making an appropriation to the Comp Hill Fire Company No. 1 of Camp Hill Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1294, entitled:

An Act making an appropriation to the Citizens Fire Company No. 1 of New Cumberland, Pennsylvania, for the protection of State property at the Pennsylvania Industrial School at White Hill.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1295, entitled:

An Act making an appropriation to the Elkwood Fire Company No. 2 of New Cumberland Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1296, entitled:

An Act to amend section one of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by reducing the number of judges of said court.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1297, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth conveyed to any person, partnership or corporation authorized to hold such real estate by any alderman, justice of the peace or magistrate, where such alderman, justice of the peace or magistrate has acknowledged such conveyance.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1079, (HOUSE BILL No. 1597), ON SECOND READING CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 1079, (House Bill No. 1597), on second reading, on page 18 of the Calendar.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1079, (House Bill No. 1597), entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the county of Lebanon.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1229, (HOUSE BILL No. 1286), ON SECOND READING CALLED UP

Mr. EALY. Mr. President I now call up Senate Bill No. 1229, (House Bill No. 1286), on second reading, page 23 of the Calendar.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1229, (House Bill No. 1286), entitled:

An Act relative to the employment of females in hotels taverns saloons and eating houses for the mixing or sale of alcoholic drinks and the penalty for violation thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1232, (HOUSE BILL No. 1467), ON SECOND READING CALLED UP

Mr. EALY. Mr. President I now call up Senate Bill No. 1232, (House Bill No. 1467), on second reading, page 23, of the Calendar.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1232, (House Bill No. 1467), entitled:

An Act to amend the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1132), entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service, to entitle them to vote at any election.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. EALY. Mr. President, for the information of the Senators I might state that the reason for not passing all second reading bills is so we will not have too many bills on third reading for Monday. However, if any Senator is interested in a particular bill I see no reason it should not be considered unless it should be controversial.

SENATE BILL No. 890, (HOUSE BILL No. 139), ON SECOND READING CALLED UP

Mr. STIEFEL. Mr. President, I now call up Senate Bill No. 890, (House Bill No. 139), on second reading, page 16 of the Calendar.

Mr. COLEMAN. Mr. President, I second the motion.

The motion was agreed to.

MOTION THAT BILL BE POSTPONED

Mr. STIEFEL. Mr. President, I move that further consideration of Senate Bill No. 890, (House Bill No. 139) on second reading, entitled:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

be postponed for the present.

Mr. COLEMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WATKINS. Mr. President, I object to Senate Bill No. 890, being placed on the postponed Calendar— I have no objection to it going over in order until Monday.

Mr. STIEFEL. Mr. President, if there is going to be a session tomorrow, if the bill goes over in order, it will come up again tomorrow. You see, Mr. President, I would like to have the weekend in order to study the bill, because there are so many complications and contradictions that it will require considerable study.

Mr. WATKINS. I withdraw my objection, Mr. President.

Mr. DENT. Mr. President, the gentleman from Philadelphia will have all the opportunity in the world to study this bill over the weekend, by leaving it exactly where it is today. You do not have to put it on the postponed Calendar at all; there is no necessity whatsoever for that.

Mr. STIEFEL. Mr. President, in case I want to offer amendments, I do not want to put the Senate to the inconvenience of having to reconsider the vote. I pledge my word I will call it from the postponed Calendar on Monday.

Mr. DENT. Mr. President, the bill is not going to be called up on second reading. What is the difference whether it stays on second reading, without being on the postponed Calendar, or on the second reading postponed Calendar? There is no physical difference.

Mr. STIEFEL. Mr. President, if there is to be a session tomorrow it will come up again on second reading, and then on Monday it will be on third reading.

Mr. DENT. Mr. President, I promise the gentleman from Philadelphia, that I will not call it up tomorrow if he is not ready for it.

The PRESIDENT. What action has been taken as the result of the conference?

The gentleman from Philadelphia, Mr. Stiefel, requested that Senate Bill 890, (House Bill 139), be placed on the postponed Calendar and there was objection. Does the Chair understand now it is to go on the postponed Calendar? The Chair's only interest is to keep the record clear, so that if Al. Smith wants to examine it, he may do so.

MOTION WITHDRAWN

M. STIEFEL. Mr. President, in reference to my colleague from Westmoreland, I am going to withdraw my motion providing it will not come up for second reading before Monday.

Mr. DENT. That is perfectly all right, Mr. President. And the question recurring,

Will the Senate agree to the bill on second reading?

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent

that Senate Bill 890, (House Bill No. 139), on second reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

INTERROGATION

Mr. MUNDY. Mr. President, I desire to interrogate the gentleman from Somerset, Mr. Ealy.

The PRESIDENT. Will the gentleman from Somerset permit himself to be interrogated?

Mr. EALY. Yes, Mr. President.

Mr. MUNDY. Mr. President, will the gentleman from Somerset tell me whether he is going to consider other bills now on second reading?

Mr. EALY. Mr. President, I have a list here of bills which various Senators have asked me to call up.

Mr. MUNDY. Mr. President, will the gentleman from Somerset object if I call up a bill from the second reading Calendar at this time?

Mr. EALY. I presume not, unless some other Senator raises an objection. What is the number of the bill the gentleman from Luzerne desires to call up?

Mr. MUNDY. Mr. President, at this time I should like to call up for consideration, on page 29 of the Calendar, Senate Bill No. 1270, (House Bill No. 1661), on second reading.

Mr. EALY. Mr. President, I intend to call up Senate Bill No. 1270, in order that it may pass second reading, if the Senator will bear with me. As I said previously, the purpose it not to pass all these bills on second reading, in order that we will not have too many bills on the third reading Calendar on Monday to study, but we had intended to call up for consideration the bill to which the gentleman from Luzerne has referred.

SENATE BILL No. 1191, (HOUSE BILL No. 361), ON SECOND READING CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 1191, (House Bill No. 361), on second reading, page 21 of the Calendar.

Mr. EDMONDS. Mr. President, I second the motion. The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 1191, (House Bill No. 361), entitled:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capital City.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1231, (HOUSE BILL No. 1466), ON SECOND READING CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill

No. 1231, (House Bill No. 1466), on second reading, page 23
 Mr. EDMONDS. Mr. President, I second the motion.
 The motion was agreed to.

Agreeably to order,
 The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
 The Senate proceeded to the second reading and consideration of Senate Bill No. 1231, (House Bill No. 1466), entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections; county commissioners; imposing penalties for violation of the act, and codifying, revising, and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the procedure for and regulating voting in elections by persons in actual military service, conferring powers and imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, and county commissioners, providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

And said bill having been read at length the second time and agreed to,
 Ordered, To be transcribed for a third reading.

SENATE BILL No. 1236, (HOUSE BILL No. 1585), ON SECOND READING CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 1236, (House Bill No. 1585), on second reading, page 24 of the Calendar.

Mr. DENT. Mr. President, I second the motion.
 The motion was agreed to.

Agreeably to order,
 The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
 The Senate proceeded to the second reading and consideration of Senate Bill No. 1236, (House Bill No. 1585), entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims, taxes, penalties, interest and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

And said bill having been read at length the second time,

On the question,
 Will the Senate agree to the bill?
 Mr. DENT. Mr. President, I desire to offer the following amendments:

Amend Sec. 2, page 3, lines 7 to 11, both inclusive, by striking out the following: "but shall be determined by such court" in line 7, all of lines 8, 9 and 10, and the following "forced collection against such corporation" in line 11, and inserting in lieu thereof: "but shall not be less than the total amount which the tax levying body of such political subdivision is willing to accept in compromise of such claims in order to avoid the delay and

expense of litigation to collect the same under such circumstances"; amend Sec. 3, page 4, lines 13 to 17, both inclusive, by striking out the following: "but" in line 13, all of lines 14, 15 and 16, and the following in line 17: "by enforced collection against such person"

On the question,
 Will the Senate agree to the amendments?
 Mr. KEPHART. I object, Mr. President.
 Mr. EALY. Mr. President, some of the Senators want to voice their opposition to these amendments. I do not know whether they care to express their opposition on the floor or not.

I wonder if the gentleman from Westmoreland would not withdraw the amendments and discuss them with the Senators who have objections.

Mr. DENT. Mr. President, I think the proper place to do that would be right here on the floor I am satisfied to do that.

Mr. KEPHART. I desire to interrogate the gentleman from Westmoreland, Mr. President.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. Yes, Mr. President, I will.

Mr. KEPHART. Mr. President, just what is the purpose of the amendments presented by the gentleman from Westmoreland.

Mr. DENT. Mr. President, the purpose of these amendments is to put into the proper sphere that agency of government which is entitled to be in that particular sphere. In other words, a tax levying body certainly ought to sit down and agree on or work out the amount of compromise that will be accepted.

Mr. KEPHART. Mr. President, may I ask the gentleman from Westmoreland whether he realizes that under the bill as it is, it simply empowers the tax levying body to accept a plan of reorganization and a settlement the Court thinks is fair?

Mr. DENT. That is right, Mr. President, but the bill originally does something more than that; it allows the court to act as the agency which sets the amount of compromise. Under the Dent Bill of 1938, if you will remember, that bill set up a tax levying authority setting the amount, and the court approved. In this way you have the court establishing the amount and the tax levying body approving it.

Mr. KEPHART. I think that is correct, Mr. President, and therefore the tax levying body is protected, and I will ask my colleagues to vote against the amendments.

Mr. DENT. Mr. President, I do not believe that is entirely the picture. The tax levying body certainly is protected because it has the right to say, "yes, we accept" or, "no, we do not accept the compromise set by the Court." Where in any law or any statute that we have, does the Court become a tax setting body or a tax levying body or a tax compromising body? Under the present system of government the Court should only approve any compromise that is made by the tax levying body and not put the tax levying body in a position where the Court can let them approve what the Court has done.

Mr. KEPHART. Mr. President, this bill relates only to corporations that are in bankruptcy under 77-B and which plans reorganization.

Mr. DENT. That is correct, Mr. President.

Mr. KEPHART. Under such circumstances, Mr. Presi-

dent, the creditors have to get together and the Court formulates a plan or has a plan formulated and submitted for approval. That is about all that is done here with regard to taxes.

Mr. DENT. I am perfectly satisfied, Mr. President, but I am just trying to point out that the proper thing to be done here is to allow the tax levying body to set the amount and allow the Court to agree or disagree on the amount set. If you want to reverse the situation and let the Court set the amount, and the tax levying body agree or disagree, that is perfectly all right, but I would like to have the amendment voted upon one way or the other.

Mr. EDMONDS. Mr. President, I ask that the amendments be read again by the clerk, the Dent amendments. The amendments were again read by the Clerk.

MOTION TO ADOPT AMENDMENTS

Mr. DENT. I move, Mr. President, adoption of the amendments.

Mr. COX. I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I do not think this will change one vote, but I feel this bill is so important I want to make this further observation: under this bill, Mr. President, the Court is in no way under any obligation whatsoever to take into consideration the budget or the budgetary problems of the taxing authorities, it may set up a compromise amount, that may disrupt the entire budget of the taxing authority.

Mr. KEPHART. Mr. President, may I say in answer to the gentleman from Westmoreland that the taxing authority does not have to accept the compromise, and in further answer, that the compromise the Court submits must be fair, what the Court thinks is fair.

And the question recurring,

Will the Senate agree to the motion?

Mr. DENT. Roll call, Mr. President.

(The following occurred during the calling of the roll.)

Mr. MUNDY. Mr. President, before the vote is announced I would just like to add to what has been said, that I introduced a bill to control the activities of the judiciary, and in that bill is an instrument to remove the judiciary from just the same things as this bill now permits, placing them back in a position where the Court is called upon to act as adjudicator in a dispute over taxes, and it is going to throw the Court back in to contact with corporations and those bodies which wish to be relieved of taxes. It will be just one more item to permit the judiciary to smear itself up.

Mr. KEPHART. Mr. President, in reply to that may I say this bill only applies to the District Courts of the United States; they have sole jurisdiction over bankruptcy matters. The Judges of those Courts are appointed for life, unless they are impeached, and it does not have anything to do with the State Courts.

Mr. DENT. Mr. President, that is exactly the danger point in this whole situation: Here is a man who is not responsible to the electorate of any given district, and yet he steps in and says, "this is the amount that I, as the Court, sets," and you can say all you want about the taxing authority having the right to refuse the amount set, but you know and I know that if the Court says, "this is the

amount," that is what the taxing authority will take. That is the safety feature I want to include in this bill, to allow the taxing authority, which is responsible to the people of the district, to say "we accept this amount in compromise." They are responsible. As this bill now is, some judge who is appointed for life can darn well fix up a very fat compromise for himself, and you know this would not be the only bill under which some judges have gone to jail.

Mr. EALY. Of course, Mr. President, all this is out of order; I hope it will not continue too long.

The PRESIDENT. The Chair is aware all this debate is out of order, but the Chair is tolerating it so long as he does not have the tally slip before him.

Mr. MALLERY. Mr. President, I desire to change my vote from "no" to "aye," having voted under a misapprehension.

The PRESIDENT. The vote of the gentleman from Blair will be so recorded.

The yeas and nays were required by Mr. DENT, and were as follows, viz:

YEAS—12

Barr,	Dent,	Lanlus,	Ruth,
Coleman,	Frey,	Mallery,	Stiefel,
Cox,	Haluska,	Mundy,	Watkins,

NAYS—23

Becker,	Ealy,	Kephart,	Tyler,
Carr,	Edmonds,	Letzler,	Wade,
Chapman,	Geltz,	McQuiddy,	Walker,
Orider,	Heyburn,	Snowden,	Wilson, H. I.,
Crowe,	Homsher,	Tallman,	Woodward,
Detrick,	James,	Taylor,	

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1239, (HOUSE BILL No. 1704), ON SECOND READING CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 1239, (House Bill No. 1704), on second reading, page 24 of the Calendar.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1239, (House Bill No. 1704), entitled:

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Indiana State Teachers' College, to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof, by the Indiana State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1243, (HOUSE BILL No. 1738), ON SECOND READING CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 1243, (House Bill No. 1738), on second reading, page 25 of the Calendar.

Mr. WATKINS. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1243, (House Bill No. 1738), entitled:

An Act to amend Route 22045 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1244, (HOUSE BILL No. 1739), ON SECOND READING CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 1244, (House Bill No. 1739), on second reading, page 26 of the Calendar.

Mr. WATKINS. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1244, (House Bill No. 1739), entitled:

An Act to amend Route 38043 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1270, (HOUSE BILL No. 1661), ON SECOND READING CALLED UP

Mr. EALY. Mr. President, I now call up Senate Bill No. 1270, (House Bill No. 1661), on second reading, page 29 of the Calendar.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1270, (House Bill No. 1661), entitled:

An Act to amend section three of the act approved the tenth day of May one thousand nine hundred and thirty-nine (P. L. 111) entitled "An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws" providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderously within the Commonwealth.

And said bill having been read at length the second time.

Will the Senate agree to the bill on second reading?

Mr. DEITRICK. Mr. President, this is a bill that is very important to all the anthracite counties, particularly to my county of Northumberland. I was desirous of having this bill go over on second reading so that, should we desire to try to place any amendments in it, we would have the right to do so.

Mr. President, I would like to take this opportunity to interrogate the President Pro Tempore.

The PRESIDENT. Will the gentleman from Somerset permit himself to be interrogated?

Mr. EALY. I will, Mr. President.

Mr. DEITRICK. Mr. President, I desire to ask the gentleman from Somerset in the event I should offer amendments to this bill on third reading, whether he would oppose them or whether he personally would vote for them.

Mr. EALY. Mr. President, I have no particular feeling about this bill. The gentleman from Luzerne, Mr. Mundy, was one of the Senators who asked that it pass second reading. I am not very familiar with the bill myself.

Mr. DEITRICK. Mr. President, I have no objection to having the bill pass second reading, if I can have some assurance that, should I offer amendments, they would be at least considered on third reading.

Mr. WATKINS. Mr. President, I am very much interested in this bill, because it is interest to my county, which is an anthracite county, and I dislike to say I would object to it going over in order; I would like to see it pass second reading. I would say personally I would not object to any amendments being offered, but I may vote against the amendments after they are offered.

Mr. COLEMAN. Mr. President, I desire to interrogate the gentleman from Northumberland.

The PRESIDENT. Will the gentleman from Northumberland permit himself to be interrogated?

Mr. DEITRICK. I will, Mr. President.

Mr. COLEMAN. Mr. President, will the gentleman from Northumberland advise the Senate, and those of us who are tremendously interested in this bill, the nature of the amendments he proposes.

Mr. DEITRICK. Mr. President, at this time I would not be able to state that, I would like to study the bill a little bit more than I have studied it; perhaps by Monday I would be more in position to offer amendments. Personally, of course, I am not asking any Senators to commit themselves as to whether they would vote for the amendments or not, as I realize that is absurd, but I ask our present Floor Leader if he would be willing to let me at least offer the amendments on Monday.

Mr. EALY. Mr. President, I think perhaps the bill should go over in order, because I can not control, on third reading, as to whether there would be objection to amendments or not. If the gentleman who asked that this bill pass second reading will withdraw that request, I am satisfied that it go over in order.

Mr. MUNDY. Mr. President, this is one of the most important bills that has been introduced this year, not only affecting the anthracite area, but affecting the entire State of Pennsylvania, and it more or less has an effect throughout the country itself under the present defense program, and I do not see any reason in the world why this bill should be passed over in order. Under parliamentary rules the gentleman from Northumberland certainly has a right to offer amendments on third reading, and the Republican side of the House certainly has sufficient votes over, there to place the amendments into the bill if they care to.

I am very anxious that this bill have second reading today, and I understood and felt that the gentleman from Northumberland has no objection to it having second reading today.

Mr. EALY. Of course, Mr. President, any one may object to introduction of amendments on third reading, but in any event the vote by which it passed second reading would have to be reconsidered; that is the only thing I had in mind.

Mr. TALLMAN. Mr. President, as I understand the request of the gentleman from Northumberland, in effect it amounts to that he would be satisfied if he had assurance from the gentleman from Luzerne, Dr. Mundy, and the gentleman from Lackawanna, Mr. Coleman, that they would agree not to object to the introduction of amendments by the gentleman from Northumberland on third reading. He is not asking us to vote for them after they are introduced, but merely wants the right to offer them, and I think that is a reasonable request, and one that can very readily be acceded to, in order to clear up this difficulty, and still have the bill on third reading.

Mr. COLEMAN. Mr. President, I would like to make a practical suggestion, if I may. I suggest that this bill pass second reading, and then it is my intention to move to have the bill made a special order of business on Monday afternoon at 3:45, at which time I am sure none of us are going to prevent the gentleman from Northumberland from introducing amendments, without committing ourselves to the support of such amendments. I suggest that we make the bill a special order of business

in order that we may get the bill passed and signed by the Governor. In the event that the wisdom of the Senate dictates that the amendments offered by the gentleman from Northumberland are good, and they are adopted by the Senate, we will save some time rather than have it done in the session held Monday afternoon.

Mr. President, I suggest the bill pass second reading now, after which I shall make a motion.

Mr. EALY. Mr. President, I desire to interrogate the gentleman from Lackawanna.

The PRESIDENT. Will the gentleman from Lackawanna permit himself to be interrogated?

Mr. COLEMAN. I will, Mr. President.

Mr. EALY. Mr. President, I desire to ask the gentleman from Lackawanna whether he would raise objection to the offering of amendments on third reading.

Mr. COLEMAN. No, Mr. President.

Mr. EALY. I desire to interrogate the gentleman from Luzerne.

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MUNDY. I will, Mr. President.

Mr. EALY. Mr. President, I desire to ask the gentleman from Luzerne whether he would offer objection to the presentation of amendments on third reading?

Mr. MUNDY. I will offer no objections to the presentation of amendments on third reading, Mr. President.

Mr. EALY. Mr. President, I do not know whether we should proceed to make this a special order of business for 3:45 Monday, as we can not tell exactly what matters may come up. I would interpose no objection to it being considered at our Monday session, but if it be made a special order of business for 3:45 that would give us only fifteen minutes for preliminaries. I feel that the gentleman from Lackawanna should not insist that any special time be set for consideration of this bill.

Mr. COLEMAN. Mr. President, I make that motion for the very reason that we are now in the stage of the game that the time of sessions and the time of recesses are tremendously uncertain. If we convene at 3:30 on Monday as we have adopted a resolution to do, all that we need to get out of the way is the prayer and the reading of the Journal of the preceding session and then we can immediately take up consideration of this bill. I do not want to go into the question, Mr. President, of the importance of this bill at this time. I propose to discuss the bill and the anthracite situation pretty generally when it gets to third reading. If the gentleman from Northumberland will agree to have the bill pass second reading today, I should like to make a motion that it shall be made a special order of business on Monday at 3:45.

Mr. EALY. Mr. President, I suggest to the gentleman from Lackawanna that he make it at a little later hour, either 4:30 or 4:45.

Mr. COLEMAN. I yield to the suggestion of the gentleman from Somerset, Mr. President.

POINT OF INFORMATION

Mr. COLEMAN. I rise to a point of information, Mr. President.

The PRESIDENT. The gentleman from Lackawanna will state his point of information.

Mr. COLEMAN. Mr. President, I should like to inquire as to the exact status of the bill. Has the bill passed second reading?

The PRESIDENT. Not as yet.

Mr. COLEMAN. Then, Mr. President, I suggest the bill be read for the second time.

Mr. EALY. After the discussion we have had I believe it safe that the bill pass second reading, Mr. President. And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

SPECIAL ORDER OF BUSINESS

Mr. COLEMAN. I now move, Mr. President, that Senate Bill No. 1270, (House Bill No. 1661), be made a special order of business for Monday, June 30, 1941, at 4:45 p. m.

Mr. MUNDY. I second the motion, Mr. President.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION THAT ALL REMAINING HOUSE BILLS GO OVER IN THEIR ORDER ON SECOND READING

Mr. EALY. Mr. President, I move that all other House Bills on second reading, go over in their order unless some Senator has some particular bill on which he desires action.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 288, (House Bill No. 183), on second reading, entitled:

An Act to amend section seven hundred two and to further amend section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the establishment and maintenance of fire hydrants and fire hydrant water service and the levy of a special tax therefor with the assent of electors.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 468, (House Bill No. 70), on second reading, entitled:

An Act to amend section seven hundred three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing for the compensation paid to township commissioners.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent

that Senate Bill No. 540, (House Bill No. 648), on second reading, entitled:

An Act to amend section 873 of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing roads to be county roads as soon as so determined and further providing for the repair construction and maintenance of such roads within the limits of boroughs and cities.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 580, (House Bill No. 405), on second reading, entitled:

An Act to amend section three of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing that student apprentices shall receive credit toward their apprenticeship for time spent in military training not exceeding one year.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 707, (House Bill No. 1023), on second reading, entitled:

An Act prohibiting employers from directly or indirectly offering for sale selling procuring for sale having in possession or under control for sale to employees or others any merchandise not produced by employers or not handled in the regular course of employer's business providing exceptions thereto declaring such prohibited sales to be unfair competition and repealing prior inconsistent legislation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 749, (House Bill No. 319), on second reading, entitled:

An Act to further amend section one of the act, approved the eleventh day of May, one thousand nine hundred eleven, (P. L. 275), entitled "An act to provide for the appointment of County and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," allowing inspectors their expenses in attending State conventions of sealers of weights and measures.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 769, (House Bill No. 1194), on second reading, entitled:

An Act to amend sections two and three of the act approved the eleventh day of May one thousand nine

hundred and eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" as amended by providing for the issuance of certificates of approval for weights and measures of county city and borough sealers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 849, (House Bill No. 812), on second reading, entitled:

An Act to amend clause (b) of section three hundred and two of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the display of the flag of the United States at polling places; and imposing such duty on county boards of elections.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 850, (House Bill No. 1185), on second reading, entitled:

An Act to further amend section five hundred and two and section five hundred and four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring submission of all plans for public improvements to the county planning commission for approval, and prohibiting the recording of plans and sales of lots before their approval, under penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 861, (House Bill No. 1036), on second reading, entitled:

An Act to amend subsection (b) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent the natural parent shall retain his or her status as such and shall for purposes of inheritance and devolution be regarded as an adopting parent.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent

that Senate Bill No. 863, (House Bill No. 1172), on second reading, entitled:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by empowering counties to acquire real estate by lease purchase gift for use as fairground authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fairgrounds including the appropriation of funds joint action with other political subdivisions the levy and collection of taxes the creation of county fair boards and the acceptance of State contributions.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1109, (House Bill No. 957), on second reading, entitled:

An Act to amend the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employees' retirement system in counties of the third class and imposing certain charges on counties" extending and further regulating such retirement systems.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1118, (House Bill No. 687), on second reading, entitled:

An Act to further amend the title and section one of the act approved the third day of May one thousand nine hundred and nine (P. L. 424) entitled "An act providing that in all counties having more than five hundred thousand inhabitants advertisements and notices required by law or rules of court to be published in newspapers of general circulation unless dispensed with by special order of court shall be published in the legal newspaper issued at least weekly of the proper county designated by rules of court for the publication of court or other legal notices" as amended extending the provisions of the said act to counties of the sixth class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1121, (House Bill No. 909), on second reading, entitled:

An Act to further amend section three hundred three of and to add section three hundred seven of the act approved the twenty-fifth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into

the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by providing for the appointment of assistant managers in Pennsylvania Liquor Stores and by establishing minimum salaries for certain employes of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1135, (House Bill No. 223), on second reading, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township Lancaster County or so much thereof as may be necessary as a memorial providing for the control management supervision improvement restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1151, (House Bill No. 1488), on second reading, entitled:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States during a national emergency under licenses or registrations issued by the Department of Public Instruction and brokers licenses issued by the Department of Insurance to practice professions or to work trades or occupations and providing for renewals after discharge from such service.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1156, (House Bill No. 1529), on second reading, entitled:

A Supplement to the act, approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing additional routes to be used as a part of the national defense program in the County of Cambria.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1158, (House Bill No. 1542), on second reading, entitled:

An Act to amend route 55121, as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," changing a route in the County of Somerset.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1185, (House Bill No. 1716), on second reading, entitled:

An Act to further amend sections three and ten of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled, as amended "An act imposing a State tax, payable by those herein defined as manufacturers and by others, on malt or brewed beverages used, sold, transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of malt or brewed beverages taxable hereunder; and providing penalties," by prescribing malt beverage tax rates for certain original containers of standard fractions thereof; and providing for refunds of tax for malt or brewed beverages sold to commissaries, ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War of the Secretary of the Navy.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1196, (House Bill No. 1177), on second reading, entitled:

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by allocating fees for inspection certificates for promotion of highway safety.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1199, (House Bill No. 1420), on second reading, entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon personal property held and managed in this Commonwealth owned held or possessed by residents as trustees agents or attorneys-in-fact jointly with one or more trustees agents or attorneys-in-fact domiciled in another state and by imposing the tax upon equitable interests of residents in personal property held and managed in another state where the legal title to such personal property is held by more than one trustee agent or attorney-in-fact one or more of whom are domiciled in another state and one or more of whom are domiciled within the Commonwealth and exempting casualty insurance companies having no capital stock from the tax imposed by this act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1205, (House Bill No. 1611), on second reading, entitled:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth; and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owners.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1217, (House Bill No. 1798), on second reading, entitled:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1224, (House Bill No. 1013), on second reading, entitled:

An Act to repeal section five of the act, approved the fourth day of May, one thousand nine hundred and five (P. L. 385), entitled "An act creating the Water Supply Commission of Pennsylvania; defining its duties; fixing the scope of its authority and powers, and making an appropriation for the payment of the salaries and expenses connected therewith," prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1226, (House Bill No. 1101), on second reading, entitled:

An Act to amend sections one thousand five hundred and one, and one thousand five hundred and eight of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating, and changing the law relating thereto," further regulating sewer connections and sewer district assessments in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1237, (House Bill No. 1643), on second reading, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for the manner of payment of escheator's fees, informant's commissions, and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat, designating the funds to which said moneys shall be credited, and making an appropriation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1241, (House Bill No. 1719), on second reading, entitled:

An Act to add clause (k) to section two thousand one hundred two, and to repeal clause (d) of section two thousand one hundred ten of the act, approved the ninth day of April, one thousand nine hundred twenty-nine, (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and of certain other executive and administrative officers; providing for the appointment of certain administrative offi-

cers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health, to conform with the provisions of the Public Utility Law.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1242, (House Bill No. 1721), on second reading, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Welfare, to acquire a certain tract of land for the use of Pennsylvania Industrial School, and making an appropriation therefor.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1246, (House Bill No. 1771), on second reading, entitled:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce, annulment of marriage, adoption and annulment of adoption proceedings, providing for the registration of such certificates by the said Department, the issuance of certified copies thereof, and fixing fees and penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1248, (House Bill No. 1826), on second reading, entitled:

An Act to amend part of section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions, and limitations of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," changing a certain route in the City of Johnstown.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that

Senate Bill No. 1249, (House Bill No. 1827), on second reading, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters and for the landscaping thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1264, (House Bill No. 1370), on second reading, entitled:

An Act to amend section eighteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," further regulating the removal, discharge or reduction in pay or position of officers, clerks and employes in the classified civil service.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1265, (House Bill No. 1465), on second reading, entitled:

An Act to amend the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1266, (House Bill No. 1468), on second reading, entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of reg-

istration and other appointees of registration commission, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1267, (House Bill No. 1469), on second reading, entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1271, (House Bill No. 1802), on second reading, entitled:

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons, who served in the military or naval service during any War in which the United States was engaged.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1280, (House Bill No. 1825), on second reading, entitled:

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL No. 938, (HOUSE BILL No. 49), ON
THIRD READING CALLED UP

Mr. CHAPMAN. Mr. President, I now call up Senate

Bill No. 938, (House Bill No. 49), on third reading, which went over in its order, on page 9 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 938, (House Bill No. 49), entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

And said bill having been read at length the third time, And the amendments, made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. CHAPMAN. Mr. President, I ask unanimous consent to amend Section 1, page 1, line 1, by striking out the heavy-faced brackets before and after the words "Three hundred"; amend Section 1, page 1, line 1, by striking out at the end of the line the words "One hundred"; amend Section 1, page 1, line 2, by striking out at the beginning of the line, the word "fifty"; amend Section 1, page 1, line 2, by striking out the heavy-faced brackets before and after the figures "(\$300,000)"; amend Section 1, page 1, line 2, by striking out the figures "(\$150,000)".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 652, (HOUSE BILL No. 1098), CALLED UP

Mr. WALKER. Mr. President, I now call up Conference Committee Report on Senate Bill No. 652, (House Bill No. 1098), which went over in its order, on page 2 of the Calendar.

Mr. COLEMAN. Mr. President, I second the motion.

The motion was agreed to.

Mr. WALKER. Mr. President, I do not know whether any Senators have any objection to the report or not. I notice it went over in order earlier.

ADOPTION OF REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 652, (HOUSE BILL No. 1098)

Mr. WALKER. Mr. President, I move that the Senate do now proceed to the consideration of the Report of the Committee of Conference on Senate Bill No. 652, (House Bill No. 1098).

Mr. COLEMAN. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON
HOUSE BILL No. 1098

To the Members of the Senate and House of Representatives:

We the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1098, entitled:

"An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled 'An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein * * * to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court'".

Respectfully submit the following bill as our report:

J. W. CARR
JOHN F. COX
JOHN M. WALKER

(Committee on the Part of the Senate)

JOHN R. BENTLEY
GEORGE J. SARRAF
GEORGE L. COOPER

(Committee on the part of the House of Representatives)

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449), entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts

providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" is hereby amended to read as follows:

Section 408. Support Orders. The court may in any case make an order upon the parent of parents guardian or other relative legally responsible for the support of such child to contribute such sum for the support of the child as it may determine. The court shall have power to enforce any such support order in like manner as courts of quarter sessions may enforce orders for support under the laws of this Commonwealth.

Where a child is placed in a suitable family home or institution for child care not maintained by the county or State and the payment of board and other support is required in case provision is not made for such board and other support by voluntary contribution or court order on the parent or parents guardian or other relative legally responsible for the support of such child the court [may] shall direct that such board and the expense of clothing and necessary medical and surgical care be paid either by the city or county institution district liability to be determined on the basis of the legal settlement of the child at the time of assumption of jurisdiction of the Juvenile Court until provision is made for the placing of such child in a suitable family home without payment of board. In all cases of children now being maintained in family homes or institutions for child care the judge of the Juvenile Court shall make a finding as to the legal settlement of the child at the time of assumption of jurisdiction by the Court and shall make an order effective January 1, 1942, upon the appropriate city or county institution district for the future board and other support of such child.

In the case of the commitment of a child to an industrial training school or other correctional institution the court may order the county to pay for the board and clothing of and necessary medical and surgical attendance upon and the care of such child and its maintenance generally and the necessary expenses of placing and replacing the child and may fix the amount which shall be paid for the child; Provided, that in all cases of commitments to [house of refuge or] industrial training schools that are not exclusively under State control or that are exclusively under State control the amount of the order for maintenance clothing instruction medical and surgical care shall be fixed according to existing legislation governing the payment of expenses of maintenance clothing instruction medical and surgical care of children committed to such institution.

In all cases where the cost of board or care and maintenance of a child has been ordered paid by the city or county institution district or county [it] said city or county institution districts or county shall be directly liable to the person family association society or institution having the care guidance and control of the child but the city or county institution district or county shall in all cases have full recourse to recover the amounts so paid from the person or persons or institution districts [or poor district] liable for the support of such child.

Section 2. This act shall become effective immediately upon its final enactment.

On the question,

Will the Senate agree to the report?

Mr. EALY. Mr. President, I do not know whether any Senators have any objections to the report or not, but someone asked that it go over. However, I have no objection to its being considered.

Mr. WALKER. I do not know who is desirous of having it go over in order, unless it is the gentleman from Philadelphia, Senator Jaspán.

Mr. EALY. Mr. President, someone asked that the

report go over in order because it was not printed, as I understand it.

The PRESIDENT. If the Chair recalls correctly, some Senator on the right asked that the report go over in order, at the request of the Senator from Philadelphia, Mr. Jaspan. The Chair may be wrong.

Mr. COX. Mr. President, I do not know why Senator Jaspan would object and I know of no one on this side who made that suggestion.

And the question recurring,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanius,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL INTRODUCED

Mr. BARR. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARR read in place and presented to the Chair Senate Bill No. 1300, entitled:

An Act to amend sections 410 and 411 of the act approved the third of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by eliminating the requirement that owners make available open public hunting areas contiguous to regulated shooting grounds and changing shooting restrictions on regulated shooting grounds.

Which was committed to the Committee on Forests and Waters, Game and Fish.

SENATE BILL No. 1096, ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. WALKER. Mr. President, I now call up Senate Bill No. 1096, on third reading and final passage, page 10 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1096, as follows:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred

and seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate and loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by basing the tax upon the book value of the shares continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirteenth day of June one thousand nine hundred and seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" as last amended by the act approved the fourth day of May one thousand nine hundred and thirty-nine (P. L. 48) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every company incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth one thousand eight hundred and seventy-four and its supplements or any other act of Assembly heretofore or hereafter approved for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and every company entitled to benefits of and every company having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April

twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto" approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies and every company organized as a bank and trust company or as a trust company under any act of Assembly heretofore or hereafter approved except any such companies all of the shares of capital stock of which (other than shares necessary to qualify directors) are owned by a company which is liable to pay to the Commonwealth a tax on shares shall on or before the fifteenth day of February in each and every year make to the Department of Revenue a report in writing setting forth the full number of shares of the capital stock subscribed for or issued by such company and the [actual] book value thereof as of December thirty-first preceding which shall be ascertained as hereinafter provided and thereupon it shall be the duty of the Department of Revenue for the calendar years ending December thirty-first one thousand nine hundred thirty-six December thirty-first one thousand nine hundred thirty-seven December thirty-first one thousand nine hundred thirty-eight December thirty-first one thousand nine hundred thirty-nine [and] December thirty-first one thousand nine hundred forty December thirty-first one thousand nine hundred forty-one and December thirty-first one thousand nine hundred forty-two to assess such shares for taxation at the rate of eight mills upon each dollar of the [actual] book value thereof and thereafter at the rate of five mills upon each dollar of the [actual] book value thereof the [actual] book value of each share of stock to be ascertained and fixed by adding together the amount as shown by the books of such company of capital stock paid in the surplus [and] undivided profits and reserves exclusive of reserves for ascertained or accruing liabilities and specific reserves for depreciation of assets and dividing this amount by the number of shares

It shall be the duty of every such company within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue. Provided That upon the payment of the tax fixed by this act into the State Treasury through the Department of Revenue the share and so much of the capital stock surplus profits and deposits of such company as shall not be invested in real estate shall be exempt from all other taxation under the laws of this Commonwealth. The procedure in case the Department of Revenue be not satisfied with the report made by any title insurance or trust company and the penalties for failing to make such report and pay the tax shall be as provided by law.

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Lanius,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SENATE BILL No. 1097, ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. WALKER. Mr. President, I now call up Senate Bill No. 1097, on third reading and final passage, page 10 of the Calendar.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1097, as follows:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by redefining the base for taxation of shares of stock of banks and savings institutions and by increasing the rate of tax for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" as last amended by the act approved the fourth day of May one thousand nine hundred and thirty-nine (P. L. 53) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every bank or savings institution having capital stock incorporated by or under any law of this Commonwealth or under any law of the United States and located within this Commonwealth shall on or before the fifteenth day of February in each and every year make to the Department of Revenue a report in writing verified as required by law setting forth the full number of shares of the capital stock subscribed for or issued as of the preceding thirty-first day of December by such bank or savings institution and the [actual] book value thereof as of the preceding thirty-first day of December which [actual] book value shall be ascertained as hereinafter provided It shall be the duty of the Department of Revenue to assess such shares for taxation at the same rate as that imposed upon other moneyed capital in the hands of individual citizens of the State that is to say for the calendar years ending December thirty-first one thousand nine hundred thirty-six December thirty-first one thousand nine hundred thirty-seven December thirty-first one thousand nine hundred thirty-eight December thirty-first one thousand nine hundred thirty-nine [and] December thirty-first one thousand nine hundred forty December thirty-first one thousand nine hundred forty-one and December thirty-first one thousand nine hundred forty-two at the rate of eight mills upon each dollar of the [actual] book value thereof and thereafter at the rate of four mills upon each dollar of the [actual] book value thereof the [actual] book value of each share of stock to be ascertained and fixed by adding together the amount as shown by the books of such company of capital stock paid in the surplus [and] undivided profits and reserves exclusive of reserves for ascertained or accruing liabilities and specific reserves for depreciation of assets and dividing this amount by the number of shares It shall be the duty of every bank or savings institution within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and

pay the same to the State Treasurer through the Department of Revenue Provided That in case any bank or savings institution having capital stock incorporated under the law of this State or of the United States shall collect annually from the shareholders thereof said tax of eight mills or four mills as the case may be on the dollar upon the [actual] book value of all the shares of stock of said bank or savings institution according to the provisions of this act that have been subscribed for or issued and pay the same into the State Treasury through the Department of Revenue the shares and so much of the capital and profits of such bank or savings institution as shall not be invested in real estate shall be exempt from local taxation under the laws of this Commonwealth and such bank or savings institutions shall not be required to make any report to the local assessor or county commissioners of its personal property owned by it in its own right for purposes of taxation and shall not be required to pay any tax thereon The procedure in case the Department of Revenue be not satisfied with the report made by any bank or savings institution and the penalties for failing to make such report and pay the tax shall be as provided by law

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Dent,	Kephart,	Stiefel,
Bartlett,	Ealv.	Lanlus,	Tallman,
Becker,	Edmonds,	Letzler,	Taylor,
Carr,	Farrell,	Mallery,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Mundy,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Snowden,	Wilson, H. I.,
Detrick,	James,	Stevenson,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 61, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

House Bill No. 267, entitled:

An Act making an appropriation to aid certain school districts.

House Bill No. 280, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

House Bill No. 281, entitled:

An Act making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

House Bill No. 305, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school

House Bill No. 317, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

House Bill No. 351, entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

House Bill No. 472, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

House Bill No. 502, entitled:

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania, certain land which is the site of an old fortress known as Old Garrison in the City of Franklin, Venango County, or so much thereof as may be necessary as a historical memorial; providing for the control, management, supervision and improvement thereof; authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof; authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison; and making an appropriation.

House Bill No. 614, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

House Bill No. 616, entitled:

An Act to amend section seven of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427), entitled "Criminal Procedure Act of 1860," providing for admission to bail by committing magistrates in cases involving manslaughter by automobile.

House Bill No. 640, entitled:

An Act establishing certain public roads and streets, and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway; and providing for their laying out, opening, construction and maintenance by the Department of Highways subject to certain terms and conditions.

House Bill No. 1003, entitled:

An Act making an appropriation to the Moore Institute of Art Science and Industry formerly Philadelphia School of Design for Women at Philadelphia Pennsylvania.

House Bill No. 1065, entitled:

An Act making an appropriation to the National Farm School, at Doylestown, Pennsylvania.

House Bill No. 1068, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

House Bill No. 1232, entitled:

An Act to further amend section one thousand eight hundred and four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," authorizing the council in such cities from time to time to make supplemental appropriations.

House Bill No. 1233, entitled:

An Act to amend section three hundred seventy of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," authorizing the county commissioners, from time to time, to make supplemental appropriations.

House Bill No. 1234, entitled:

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred thirty-two (P. L. 1206), entitled "First Class Township Law," authorizing the township commissioners from time to time, to make supplemental appropriations.

House Bill No. 1235, entitled:

An Act to further amend section three hundred and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "County Institution District Law," authorizing the commissioners of any county institution district from time to time, to make supplemental appropriations.

House Bill No. 1236, entitled:

An Act to further amend section nine hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," authorizing the township supervisors from time to time, to make supplemental appropriations.

House Bill No. 1441, entitled:

An Act to amend routes 52037 and 52044 as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "Rural State Highway Law" changing certain routes in the county of Potter.

House Bill No. 1457, entitled:

An Act establishing certain public roads in Porter Township, Clarion County, and Mahoning Township, Armstrong County, as a State highway; providing for their construction and maintenance by the Department of Highways; and making an appropriation.

House Bill No. 1590, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum, Philadelphia.

House Bill No. 1591, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia.

House Bill No. 1659, entitled:

An Act making an appropriation to the Department of

Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons, associations and corporations.

House Bill No. 1722, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Warren State Hospital, to acquire a certain tract of land for the use of said hospital, and making an appropriation therefor.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE RESOLUTION RECALLING SENATE BILL No. 352, FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, June 26, 1941.

Resolved (if the House of Representatives concur) That Senate Bill No. 352, Printer's No. 463, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fourth and fifth class; imposing certain charges on counties, and prescribing penalties.

be recalled from the Governor for the purpose of amendment.

SENATE BILL No. 1265, (HOUSE BILL No. 1465), ON SECOND READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1265, (House Bill No. 1465) on second reading, page 27 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, this is one of a series of bills which provides for a change in the voting method in connection with those men who are in military service, and in order that there will be no slip up, I would like to advance this bill to third reading. The other two bills are Senate Bill No. 1266, (House Bill No. 1468), and Senate Bill No. 1267, (House Bill No. 1469).

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1265, (House Bill No. 1465), entitled:

An Act to amend the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and

proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1266, (HOUSE BILL No. 1468), ON
SECOND READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1266, (House Bill No. 1468), on second reading, page 28 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1266, (House Bill No. 1468), entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of the right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1267, (HOUSE BILL No. 1469), ON
SECOND READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1267, (House Bill No. 1469), on second reading, page 28 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1267, (House Bill No. 1469), entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. THOMAS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 1300, entitled:

An Act to amend sections 410 and 411 of the act approved the third day of June, one thousand nine hundred and thirty-seven, (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto," by eliminating the requirement that owners make available open public hunting areas contiguous to regulated shooting grounds and changing shooting restrictions on regulated shooting grounds.

RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess until 3:15 o'clock, p. m.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. WALKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER from the Committee on Judiciary

General, reported as amended, Senate Bill No. 1112, (House Bill No. 1572), entitled:

An Act to amend the act, approved the second day of March, one thousand nine hundred thirty-three (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock, to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages" as amended, by extending, enlarging, and removing the limitations upon the class of those who may become chattel mortgagees, by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages, the extension of the lien and defaults of said mortgages and by defining violations and prescribing penalties.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 774, (House Bill No. 1282), entitled:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1032, (House Bill No. 1350), entitled:

An Act validating certain deeds and conveyances made by trustees without setting forth their authority to convey.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 1291, (House Bill No. 1765), entitled:

An Act repealing and abandoning as a State highway, State highway Route 03123 in Armstrong County; and providing for the reversion thereof to the townships.

Mr. GELTZ. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ, from the Committee on Highways, reported as committed, Senate Bill No. 1289, (House Bill No. 1631), entitled:

An Act authorizing and directing the Department of Highways to erect, construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum, Allegheny County and a point in Westmoreland County, and to provide the necessary approaches and connections with State highways, providing for the acceptance of Federal aid, empowering counties to pay certain damages, and making an appropriation.

PERMISSION TO ADDRESS THE SENATE

Mr. COLEMAN. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The Senator from Lackawanna may proceed.

Mr. COLEMAN. Mr. President, last year, complying with the provision of the United States Constitution, the census of the population of the United States was taken. The figures showed in many sections of the country that there was a definite migration from the urban to the rural sections. Many cities in the nation gained, while others suffered losses of population. The figures showed that Pennsylvania did not keep abreast with other states in the increase of population.

For a number of years we have had 34 Congressmen representing this great Commonwealth in the national law-making body. Under the census figures of 1940, we are only entitled to 33. This places upon the Legislature of Pennsylvania an obligation to apportion the Congressional Districts to conform with the population figures. Several bills were introduced with that thought in view. It was quite natural that with a Legislature politically divided, both parties would sponsor bills designed to give their particular party an advantage in the apportionment.

This bill, which is undoubtedly one of the most important in this session of the General Assembly, is now in the hands of a Conference Committee. Latest reports indicate that the conferees appear to be hopelessly deadlocked in their efforts to adjust the differences between the House and the Senate. I have grave fears that this session may adjourn without taking action on this most important measure, thus forcing the 33 Congressmen to which Pennsylvania is entitled to run at large in the state. I propose to do everything I possibly can to prevent such an eventuality. It is my firm conviction if this Legislature adjourns without having met its obligation, that it will be the worst blow struck at our Democratic form of government in the history of this great Commonwealth.

What would happen in the event that these Congressmen were elected at large is beyond comprehension. It is quite conceivable that all of the Congressmen would come from the urban centers of Philadelphia and Pittsburgh and thus leave a vast rural population, which constitutes a good-sized portion of the taxpayers of this Commonwealth, without a voice in the national law-making body.

In my six years in the Legislature, I have consistently fought against a powerful militant and well-organized minority imposing their will on an apathetic majority.

This Conference Committee must settle their differences and subordinate their fealty to any particular party in the interest of the people of this great state. I have never heard of any difference existing between men, especially when stubbornness kept them apart, that could not be adjusted by the application of common sense. I have no intention of placing the responsibility on either the leaders of the Democratic or Republican party. Suffice to say that I do not believe that the people of this great state will countenance such action on the part of the Legislature.

It is not improbable that if Congressmen are elected at large, those of us from the northern tier of the state seeking some matter requiring the intervention of a Congressman will have to contact some member of the body from Philadelphia or Pittsburgh.

I am making this pleas for action on the part of the Conference Committee in time to impress upon them the tremendously important assignment given them by the people of the State of Pennsylvania. This matter must be approached in a conciliatory fashion, with both parties making concessions to prevent such an occurrence. There still remains enough time for the Conference Committee to get together and approach the problem honestly and conscientiously.

This Legislature must not adjourn until provision has been made to elect Congressmen, as we have in the past,

from Congressional Districts set up in accordance with laws of the Commonwealth of Pennsylvania.

Mr. EALY. Mr. President, I can readily agree with most of the remarks of the gentleman from Lackawanna, and I want to assure him that I will not vote for adjournment until we have a bill apportioning the state into congressional districts.

Mr. WADE. Mr. President and members of the Senate, while it might not be my duty to answer the remarks of the gentleman from Lackawanna, I might say for the benefit and information of those present that we have already had, I think, six different meetings, which were well attended by the members of this Conference Committee, and we are doing everything within our power to get together and come finally before this body with a report from that Conference Committee that will be satisfactory to most of the members.

REPORT FROM COMMITTEE

Mr. THOMAS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS, from the Committee on County Government reported as amended, Senate Bill No. 1036, (House Bill No. 1526), entitled:

An Act to amend section two hundred seven of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," further prescribing method by which second class townships may be classified as first class townships; and providing for the costs and holding of special elections for that purpose.

SENATE BILL No. 700, (HOUSE BILL No. 99), ON SECOND READING CALLED UP

Mr. BECKER. Mr. President, I now call up Senate Bill No. 700, (House Bill No. 99), on second reading.

Mr. CRIDER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 700, (House Bill No. 99), entitled:

An Act to amend sections one and two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting certain clubs from such limitation and by providing that retail dispenser's licenses may be exchanged or surrendered for liquor licenses without violating the limits upon the number of licenses imposed by such act; and authorizing the Pennsylvania Liquor Control Board to effect such exchange or substitution upon compliance with certain conditions.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. BECKER. Mr. President, early this afternoon Senate Bill No. 700, (House Bill No. 99), at the bottom of page seven of the Calendar, was called up and the vote by which the bill passed second reading was reconsidered, so that the bill at that point went on second reading. The purpose stated by the gentleman from Westmoreland, Mr. Dent, was that amendments might be prepared to the bill. Those amendments were not prepared at that time, but they are now prepared and I hold them in my hand and I ask unanimous consent of the Senate to present those amendments at this time.

The Clerk read the amendments, as follows:

Amend Section 1, page 2, line 13, by adding after the word "accommodations" the words: "and having"; amend Section 1, page 2, line 14, by striking out after the word "municipalities" and before the word "a" the word [having] and inserting in lieu thereof the word: "with"; amend Section 1, page 2, line 15, by striking out after the word "thousand" and before the word "at" the words "[shall have]"; amend Section 1, page 2, line 17, by striking out after the word "municipalities" and before the word "a" the word [having] and inserting in lieu thereof the word: "with"; amend Section 1, page 2, line 19, by striking out before the word "at" the words [shall have]; amend Section 1, page 2, line 21, by striking out after the word "municipalities" and before the word "a" the word [having] and inserting in lieu thereof the word: "with"; amend Section 1, page 2, line 23, by striking out after the part-word "habitants" and before the word "at" the words "[shall have]"; amend Section 1, page 2, line 25, by striking out after the word "municipalities" and before the word "a" the word [having] and inserting in lieu thereof the word: "with"; amend Section 1, page 2, line 26, by striking out after the word "inhabitants" and before the word "at" the words [shall have]; amend Section 1, page 3, lines 11 to 22 inclusive, by striking out all of said lines and inserting in lieu thereof the following:

The term "legitimate-purpose club" shall mean a club maintained and operated not for profit by a bona fide charitable fraternal beneficial war veteran's firemen's or social organization a country club or a society or lodge where the Pennsylvania Liquor Control Board or any administrative bureau of the Commonwealth of Pennsylvania succeeding or superseding it for the purpose of granting supervising and revoking licenses for the sale of intoxicating beverages shall have found as a fact that the structure of such club with respect to its purpose constitution by-laws membership membership meetings and schedules of dues as well as the physical operation of such club clearly indicates that the dominant purpose of the same is and will be other than the exercise of the license privilege and that the latter is and will be clearly incidental to the function and operation of such club

The term "country club" shall mean a club not for profit which has connected therewith as part of its property a golf course of not less than nine holes of a length of not less than twenty-five hundred yards and which has facilities for serving meals to its members and their guests.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. DENT. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 2, page 3, line 29, by inserting after the word "hotels" and before the word "as" the following: "and legitimate-purpose clubs"; amend section 2, page 3, line 29, by striking out after the word "clubs" in boldface brackets, the word "[country]"; amend section 2, page 4, line 1, by striking out before the word "but" the following: "[clubs and fraternal clubs as defined in this act]"; amend section 2, page 4, line 11, by adding after the word "hotels" the following: "and legitimate-purpose clubs"; amend section 2, page 4, line 12, by striking out after the word "act" the following: "[and country clubs and fraternal]"; amend section 2, page 4, line 13, by striking out before the word "shall" the word "[clubs]".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. EALY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 178, entitled:

An Act to amend paragraph four of subsection (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. I. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof the lien thereof, sales and mortgages of real estate for the payment thereof judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies charged on land; the discharge of

residuary estates and of real estate from the lien of legacies and other charges; the appraisalment of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees duranto absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by validating deeds heretofore accepted by fiduciaries holding mortgages in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 257, entitled:

An Act making an appropriation to the Nursing School of the University of Pittsburgh, Pittsburgh, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 258, entitled:

An Act making an appropriation to the Medical School of the University of Pittsburgh, Pittsburgh, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 399, entitled:

An Act making an appropriation to the Treasury Department for the use of the Board of Finance and Revenue in granting refunds of "store and theatre" tax.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 695, (House Bill No. 1176), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the method of payment to townships.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 739, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in restoring and maintaining the original valley forge at Valley Forge Park.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 774, (House Bill No. 1282), entitled:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 909, entitled:

An Act to further amend section two hundred twenty-seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for the appointment of minute clerks in certain courts in counties of the third class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 973, (House Bill No. 1130), entitled:

An Act making an appropriation to the Department of Commerce, towards expenses of the National Encampment in Philadelphia.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1032, (House Bill No. 1350), entitled:

An Act validating certain deeds and conveyances made by trustees without setting forth their authority to convey.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1036, (House Bill No. 1526), entitled:

An Act to amend section two hundred seven of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further prescribing method by which second class townships may be classified as first class townships; and pro-

viding for the costs and holding of special elections for that purpose.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1086, entitled:

An Act relating to elective public offices, the incumbents of which are required by act of Congress to enter military or naval service providing that such offices shall not be considered vacant or the incumbents thereof disqualified by reason of such call to military or naval service; making provisions for certain deputies, assistants or substitutes to perform the functions of such office during the period of such military or naval service or until the terms of office have ended; prescribing the qualifications, powers, duties, liabilities and compensation of such deputies, assistants or substitutes; and defining the extent and effect of said act upon the various incidents of such office including incompatibility, vacancy, compensation, term, misconduct, removal and holding over.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1112, (House Bill No. 1572), entitled:

An Act to amend the act approved the second day of March one thousand nine hundred thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended by extending enlarging and removing the limitations upon the class of those who may become chattel mortgagees by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages the extension of the lien and defaults of said mortgages and by defining violations and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1160, (House Bill No. 1650), entitled:

An Act providing for the cooperation of the Commonwealth and certain political subdivisions thereof with the United States in respect to flood control projects authorizing the Secretary of Highways on behalf of the Commonwealth and the authorities of the various counties cities boroughs and townships with the approval of the Water and Power Resources Board to enter into certain agreements with and to grant and convey to the United States certain rights and easements in and relative to the highways streets roads and bridges thereof and lands bordering the same over which such governmental units may have control.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and con-

consideration of Senate Bill No. 1163, (House Bill No. 1663), entitled:

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W. P. A. Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1198, (House Bill No. 1390), entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1207, (House Bill No. 1665), entitled:

An Act to amend section six hundred five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by providing that said section shall not apply to certain games or devices where free plays are given or allowed; and providing that such free plays shall not be considered things of value.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1262, (House Bill No. 753), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire certain land adjacent to and for the use of the Scranton State Hospital providing for the improvement and use thereof authorizing the City of Scranton to pay the costs of such improvements in whole or in part and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1274, (House Bill No. 1178), entitled:

An Act providing that the compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1276, (House Bill No. 1365), entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905),

entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees and prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keeps providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended authorizing the Secretary of Revenue to establish a system of permanent registration of vehicles and further regulating the operation of vehicles and the suspension of registrations and operating privileges giving the Pennsylvania Turnpike Commission power to regulate traffic on turnpikes extending the time limit for cities of the second class A to make certain changes in traffic signals extending the liability of political subdivisions to include negligent operation of their vehicles drawn by animal power amplifying and changing provisions of said act relating to lighting signal and warning devices redefining the term dealer further regulating dealers in junked vehicles permits for over-size and overweight vehicles use of school buses registration plates and cards maximum size of vehicles and medical examinations by physicians providing for payment of certain fees by counties limiting and providing new exemptions from the various provisions of said act giving additional authority to peace officers and department employees in the matter of investigations further regulating prosecutions giving certain powers to local authorities for the regulation of traffic and the establishment of traffic courts changing and fixing additional fees changing and imposing new penalties giving the secretary additional powers and duties imposing additional duties on keepers and employers of garages and repair shops providing refunds to certain persons entering Federal services and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1288, (House Bill No. 1501), entitled:

An Act authorizing the Secretary of the Department of Forests and Waters to lease a tract of land in Jackson Township Dauphin County to the Susquehannock Indian Tribe.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1289, (House Bill No. 1631), entitled:

An Act authorizing and directing the Department of Highways to erect construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum Allegheny County and a point in Westmoreland County and to provide the necessary approaches and connections with State highways providing for the ac-

ceptance of Federal aid empowering counties to pay certain damages and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1290, (House Bill No. 1720), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1291, (House Bill No. 1765), entitled:

An Act repealing and abandoning as a State highway State highway Route 03123 in Armstrong County and providing for the reversion thereof to the township.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1300, entitled:

An Act to amend sections 410 and 411 of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by eliminating the requirement that owners make available open public hunting areas contiguous to regulated shooting grounds and changing shooting restrictions on regulated shooting grounds.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 655

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 655, Printer's No. 355, entitled: "An Act to amend the first paragraph of section one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 570) entitled 'An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth,' by increasing the salary of county commissioners in eighth class counties."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 486

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 486, Printer's No. 314, entitled: "An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ subject to certain deductions for costs and priority claims."

ARTHUR H. JAMES.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 152, entitled:

An Act to amend section one of the act approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 984), entitled "An act relating to transactions between a person acting on his own behalf and the same person acting jointly with others, and to make uniform the law relating thereto," by authorizing conveyances from either husband or wife to husband and wife as tenants by the intireties.

House Bill No. 404, entitled:

An Act relating to marriage; and amending, revising consolidating and changing the law relating thereto.

House Bill No. 650, entitled:

An Act to amend section seven of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "City State Highway Law," as last amended, by providing for the changing of width, lines, location or grades of streets in cities of the second class, second class A and third class, by the Department of Highways without the consent of the city in which said street is located; relieving the city from liability for damages in such cases; and imposing liability for damages upon the Commonwealth of Pennsylvania.

House Bill No. 1022, entitled:

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), "Dog Law of 1921," permitting certain dogs to be brought into the Commonwealth for hunting purposes, by holders of nonresident hunting licenses, without securing a Pennsylvania dog license.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. EALY. Mr. President, I move that the Senate do now adjourn until Monday, June 30, 1941, at 3:30 o'clock, p. m. Eastern Standard Time.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

The Senate adjourned at 4:15 o'clock, p. m. Eastern Standard Time until Monday, June 30, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

THURSDAY, June 26, 1941.

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Almighty God, help us to believe, in these dark times, that the Holy One who died on a cross and rose again is still in the midst of men, working the will of God and slowly but surely making God's ways triumphant. Help us to know assuredly that we are never alone as we fight valiantly the good fight of an ever living faith. Give us strength, we beseech Thee, in our struggle against unequal odds to establish a new world of justice and love.

Calm the raging waters of hate, war, and bloodshed and bring understanding to all nations. May the time speedily come when nation will sit down with nation in an endeavor to solve all problems which will eventually lead to a greater prosperity and happiness throughout the world.

Search Thou our hearts and help each of us to cast out prejudice, race hatred, revengefulness, and ill-will. Make us worthy of Thy recognition. We ask this in Thy name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. GREENWOOD, unanimously agreed to, and further reading was dispensed with and the Journal approved.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Samuel Rose for Mr. CHUDOFF for the week.

Mr. VOGT for himself for the remainder of the week after today.

Mr. O'CONNOR for himself for the remainder of the week after today.

Mr. NAGEL for himself for the remainder of the week after 3 p. m. today.

Mr. Fleming for Mr. RONALD L. THOMPSON for the remainder of the week.

Mr. Fleming for Mr. COOPER for the remainder of the week.

Mr. CULLEN for himself for the remainder of the week after today.

Mr. KRISKE for himself for the remainder of the week after 2 p. m. today.

Mr. WEINGARTNER for himself for the remainder of the week after today.

Mr. Trout for Mr. NORMAN WOOD for the remainder of the week.

Mr. WAGNER for himself for the remainder of the week after 3 p. m. today.

Mr. GREENWOOD for himself for the remainder of the week after today.

Mr. REAGAN for himself for the remainder of the week after today.

Mr. MARKS for himself for the remainder of the week after today.

Mr. Walter Rose for Mr. GROSS for the remainder of the week.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

The White House
Washington

June 25, 1941.

My dear Mr. Callahan:

The President has received the certified copy of a resolution adopted by the House of Representatives of the State of Pennsylvania and is grateful for your courtesy in forwarding it to him. He asks if you will not be good enough to convey to the members of the House an expression of his appreciation of the friendly spirit which prompted their action.

Very sincerely yours,

M. H. McINTYRE,
Secretary to the President

Honorable Thomas J. Callahan,
Chief Clerk,
House of Representatives,
Harrisburg,
Pennsylvania

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 464. (HOUSE BILL No. 1922).

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons; and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to Mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by changing the residence requirement for general assistance.

Referred to the Committee on Welfare.

SENATE BILL No. 637. (HOUSE BILL No. 1923).

An Act making an appropriation to the Trustees of the Pennsylvania State College for instruction and research in aeronautical engineering and for the acquisition, construction and maintenance of airport facilities as an aid to national defense and for other purposes and empowering said trustees to enter into agreements with Federal officials or agencies with respect to the construction and use of such airports.

Referred to the Committee on Appropriations.

SENATE BILL No. 712. (HOUSE BILL No. 1924).

An Act to amend section one and section two of the act approved the seventeenth day of May one thousand nine

hundred and twenty-one (P. L. 899) entitled "An act establishing a State Highway in the County of Lebanon providing for its location construction improvement and maintenance by the Commonwealth" by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth.

Referred to the Committee on Highways.

SENATE BILL No. 78. (HOUSE BILL No. 1925).

An Act to amend sections eight hundred one and nine hundred seventy-six of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections and nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining political parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections the Secretary of the Commonwealth and the courts.

-Referred to the Committee on Elections.

SENATE BILL No. 457. (HOUSE BILL No. 1926).

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mother's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board." as amended, by enabling the Department of Public Assistance to take measures to rehabilitate persons receiving assistance.

Referred to the Committee on Welfare.

SENATE BILL No. 796. (HOUSE BILL No. 1927).

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing Route 36174 Lancaster County.

Referred to the Committee on Highways.

SENATE BILL No. 797. (HOUSE BILL No. 1928).

An Act making an appropriation to the Department of Highways for the construction of roadways and parking areas on the premises included in the Pennsbury Memorial

Referred to the Committee on Highways.

SENATE BILL No. 1098. (HOUSE BILL No. 1929).

An Act relating to the sale transfer assignment and pledge of accounts receivable and requiring the assignor of accounts receivable to make appropriate record of the fact of such assignment and prescribing penalties for failure to do so.

Referred to the Committee on Judiciary General.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 25, 1941.

Whereas the twenty-five (25) weeks of the 1941 legislative session has demonstrated faults in the technic of operation of the General Assembly

Resolved the House concurring, that the Joint Commission of State Government be and hereby instructed and directed to formulate methods of organization and procedure to minimize delay and to hasten the efficient functioning of the legislative branch of the state government

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 322, 333, 347, 1330, 1331, 1332, and 1345

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 25, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 322, Printer's No. 568, entitled "An Act making an appropriation from the Game Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Game Fund."

House Bill No. 333, Printer's No. 621, entitled "An Act making an appropriation from the Fish Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Fish Fund."

House Bill No. 347, Printer's No. 584, entitled "An Act making an appropriation from the Banking Department Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Banking Department Fund."

House Bill No. 1330, Printer's No. 580, entitled "An Act making an appropriation from the State Stores Fund

the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Stores Fund."

House Bill No. 1331, Printer's No. 678, entitled "An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund."

House Bill No. 1332, Printer's No. 606, entitled "An Act making an appropriation from the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund."

House Bill No. 1345, Printer's No. 589, entitled "An Act making an appropriation from the State Workmen's Insurance Fund to the State Employees' Retirement System with respect to State employees receiving compensation from the State Workmen's Insurance Fund."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILLS Nos. 510, 739 AND 960

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 25, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 510, Printer's No. 727, entitled, "An Act to amend section five of the act approved the second day of July, one thousand nine hundred thirty-five (P. L. 599), entitled 'An act relating to motion picture exhibitions and sound, motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws' by changing the method and time whereby future referendums be initiated and held."

House Bill No. 739, Printer's No. 371, entitled, "An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled 'An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' by further defining State employee."

House Bill No. 960, Printer's No. 909, entitled, "An Act to amend sections one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51), entitled 'An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or

exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof' by further defining sausage making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers and duties on the Department of Agriculture."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 626.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 25, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 525, Printer's No. 910, entitled, "An Act amending revising consolidating and changing the law relating to the borrowing of money by certain political subdivisions the authorization issuance and sale of general obligation bonds as herein defined of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes and to the funding of debt and the refunding of bonds regulating the keeping and use of sinking funds imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions imposing penalties and repealing existing laws."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1230.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 25, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1230, Printer's No. 629, entitled, "An Act to further amend section one and to amend section three of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 730) entitled 'An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties' by excluding certain juices and combinations of juices from the operation of the act and requiring separate registration for each bottling or manufacturing plant."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1324.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 25, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1324, Printer's No. 895, entitled, "An Act to further amend section thirty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' further providing for ascertaining the change of classification of counties."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1343.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 25, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1343, Printer's No. 596, entitled, "An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1344.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 25, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1344, Printer's No. 594, entitled, "An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1463

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 25, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1463, Printer's No. 590, entitled, "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1493

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 25, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1493, Printer's No. 670, entitled, "An Act to amend the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled 'An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employees as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively and providing for

the compensation of such substitutes' by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employees under certain circumstances."

ARTHUR H. JAMES.

SENATE MESSAGES

SENATE ADOPTS CONFERENCE COMMITTEE
REPORT ON HOUSE BILL No. 404

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee on Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 404.

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 152.

An Act to amend section one of the act, approved the thirteenth day of May; one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred eighty-four) entitled "An act relating to transactions between a person acting on his own behalf and the same person acting jointly with others, and to make uniform the law relating thereto," by authorizing conveyances from either husband or wife to husband and wife as tenants by the entireties.

HOUSE BILL No. 650.

An Act to amend section seven of the Act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the motor license fund for the purposes of this act," as last amended, by providing for the changing of widths, lines, location or grades of streets in cities of the second class, second class A and third class, by the Department of Highways without the consent of the city in which said street is located; relieving the city from liability for damages in such cases; and imposing liability for damages upon the Commonwealth of Pennsylvania.

With information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1022.

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties," permitting certain dogs to be brought into the Commonwealth under certain conditions for hunting purposes by holders of nonresident hunting licenses without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct the titles were publicly read as follows:

HOUSE BILL No. 61.

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

HOUSE BILL No. 267.

An Act making an appropriation to aid certain school districts.

HOUSE BILL No. 280.

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

HOUSE BILL No. 281.

An Act making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

HOUSE BILL No. 305.

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

HOUSE BILL No. 317.

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania.

HOUSE BILL No. 351.

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania.

HOUSE BILL No. 472.

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children

HOUSE BILL No. 502.

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania, certain land which is the site of an old fortress known as Old Garrison in the City of Franklin, Venango County, or so much thereof as may be necessary as a historical memorial; providing for the control, management, supervision and improvement thereof; authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof; authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison; and making an appropriation.

HOUSE BILL No. 614.

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

HOUSE BILL No. 640.

An Act establishing certain public roads and streets, and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway; and providing for their laying out, opening, construction and maintenance by the Department of Highways subject to certain terms and conditions.

HOUSE BILL No. 1003.

An Act making an appropriation to the Moore Institute of Art, Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania.

HOUSE BILL No. 1065.

An Act making an appropriation to the National Farm School at Doylestown, Pennsylvania.

HOUSE BILL No. 1068.

An Act making an appropriation to the Trustees of the University of Pennsylvania.

HOUSE BILL No. 1233.

An Act to amend section three hundred seventy of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing the county commissioners, from time to time, to make supplemental appropriations.

HOUSE BILL No. 1232.

An Act to further amend section one thousand eight hundred and four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law

relating thereto," authorizing the council in such cities from time to time to make supplemental appropriations.

HOUSE BILL No. 1234.

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing the township commissioners from time to time, to make supplemental appropriations.

HOUSE BILL No. 1235.

An Act to further amend section three hundred and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners; county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts, and the payment of their obligations; imposing certain existing obligations on institutions districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor and repealing existing laws," authorizing the commissioners of any county institution district from time to time, to make supplemental appropriations.

HOUSE BILL No. 1236.

An Act to further amend section nine hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the township supervisors, from time to time, to make supplemental appropriations.

HOUSE BILL No. 1441.

An Act to amend routes 52037 and 52044 as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and constructions of such highways; and making an appropriation to carry out the provisions of said act," changing certain routes in the county of Potter.

HOUSE BILL No. 1457.

An Act establishing certain public roads in Porter Township, Clarion County, and Mahoning Township, Armstrong County, as a State highway; providing for their construction and maintenance by the Department of Highways.

HOUSE BILL No. 1590.

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum Philadelphia

HOUSE BILL No. 1591.

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia

HOUSE BILL No. 1659.

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons, associations and corporations.

HOUSE BILL No. 1722.

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Warren State Hospital, to acquire a certain tract of land for the use of said hospital, and making an appropriation therefor.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House today a former member of the House from Schuylkill County, Hon. Cyrus M. Palmer.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 90.

An Act providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as United Spanish War Veterans, Inc.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend the title, page 1, line 4, by inserting after the word "as" the word "The."

Amend Section 1, page 1, at the end of line 4, by inserting after the word "read" the word "The."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	French,	Lyons,	Riley,
Allmond,	Gallagher,	Malloy,	Rooney,
Auker,	Gates,	Marks,	Rose, S.,
Baker,	Gerard,	Maxwell,	Rosenfeld,
Balthaser,	Gillan,	McClanaghan,	Rush,
Baughner,	Gillette,	McClester,	Sarge,
Bentley,	Goodwin,	McDermott,	Sarra,
Bentzel,	Greenwood,	McDowell,	Scanlon,
Boies,	Gryskewicz,	McFall,	Schwab,
Boney,	Gyger,	McGrath,	Shaffer,
Bower,	Habbyshaw,	McIntosh,	Shaw,
Bradley,	Haberlen,	McKinney,	Shepard,
Bretherick,	Haines,	McLanahan,	Simons,
Brunner, P. A.,	Hamilton,	McLane,	Skale,

Burns,	Hare,	McSurdy,	Sollenberger,
Burris,	Harkins,	Melchiorre,	Stambaugh,
Cadwalader,	Harris,	Mihm,	Stank,
Chervenak,	Heatherington,	Monks,	Stine,
Cochran,	Helm,	Mooney,	Stockham,
Cohen, M. M.,	Hering,	Moran,	Tarr,
Cohen, R. E.,	Herman,	Moul,	Tate,
Cook,	Hersch,	Muir,	Taylor,
Cordier,	Hewitt,	Munley,	Thompson, E. F.,
Corrigan,	Hirsch,	Nagel,	Trout,
Croop,	Holland,	Nunemacher,	Turner,
Cullen,	Imbrie,	O'Brien,	Verona,
Dalrymple,	James,	O'Connor,	Vincent,
Dennison,	Jefferson,	O'Dare,	Vogt,
DiGenova,	Jones, G. E.,	O'Mullen,	Voorhees,
Dix,	Jones, P. N.,	O'Neill,	Wagner,
Dolon,	Keenan,	Owens,	Watkins,
Duffy,	Kenehan,	Petrosky,	Weingartner,
Early,	Kline,	Pettit,	Weiss,
Eckels,	Knoble,	Polaski,	Welsh, E. B.,
Elder,	Kolankiewicz,	Polen,	Welsh, M. J.,
Elliot,	Komorowski,	Powers,	Wilkinson,
Ely,	Krise,	Prosen,	Williams,
Falkenstein,	Lee, T. H.,	Rank,	Winner,
Finestone,	Lelsey,	Rausch,	Wolf,
Finnerty,	Lesko,	Readinger,	Wood L. H.,
Fisher,	Levy,	Reagan,	Woodring,
Fiss,	Leydic,	Reese, D. P.,	Woodside,
Fleming,	Lichtenwalter,	Reese, R. E.,	Wright,
Fletcher,	Longo,	Regan,	Yeakel,
Flynn,	Lovett,	Reynolds,	Yester,
For,	McMillen,	Rhea,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILLS NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 597.

An Act to further amend section seven hundred one of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor.

HOUSE RECEDES FROM ITS AMENDMENTS NON-CONCURRED IN BY SENATE

Mr. READINGER. Mr. Speaker, I move that the House recede from its amendments non-concurred in by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	French,	Marks,	Rose, S.,
Allmond,	Gallagher,	Maxwell,	Rosenfeld,
Auker,	Gates,	McClanaghan,	Rush,
Baker,	Gerard,	McClester,	Sarge,
Balthaser,	Gillan,	McDermott,	Sarra,
Baughner,	Gillette,	McDowell,	Scanlon,
Bentley,	Goodwin,	McFall,	Schwab,
Bentzel,	Greenwood,	McGrath,	Shaffer,
Boles,	Gryskewicz,	McIntosh,	Shaw,
Boney,	Gyger,	McKinney,	Shepard,
Bower,	Habbyshaw,	McLanshan,	Simons,
Bradley,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McMillen,	Sollenberger,

Brunner, P. A.,	Hamilton,	McSurdy,	Stambaugh,
Burns,	Hare,	Melchiorre,	Stank,
Burris,	Harkins,	Mihm,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatherington,	Mooney,	Tarr,
Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Taylor,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Verona,
Croop,	Holland,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Vogt,
Dalrymple,	James,	O'Dare,	Voorhees,
Dennison,	Jefferson,	O'Mullen,	Wagner,
DiGenova,	Jones, G. E.,	O'Neill,	Watkins,
Dix,	Jones, P. N.,	Owens,	Weingartner,
Dolon,	Keenan,	Petrosky,	Weiss,
Duffy,	Kenehan,	Pettit,	Welsh, E. B.,
Early,	Kline,	Polaski,	Welsh, M. J.,
Eckels,	Knoble,	Polen,	Wilkinson,
Elder,	Kolankiewicz,	Powers,	Williams,
Elliot,	Komorowski,	Prosen,	Winner,
Ely,	Krise,	Rank,	Wolf,
Falkenstein,	Lee, T. H.,	Rausch,	Wood L. H.,
Finestone,	Lelsey,	Readinger,	Woodring,
Finnerty,	Lesko,	Reagan,	Woodside,
Fisher,	Levy,	Reese, D. P.,	Wright,
Fiss,	Leydic,	Reese, R. E.,	Yeakel,
Fleming,	Lichtenwalter,	Regan,	Yester,
Fletcher,	Longo,	Reynolds,	Young,
Flynn,	Lovett,	Rhea,	Kilroy,
For,	Lyons,	Riley,	Speaker.
	Malloy,	Rooney,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the House receded from its amendments non-concurred in by the Senate.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 892.

An Act authorizing a commission to study recreational facilities available in first class cities; imposing powers and duties on said commission; and making an appropriation.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, at the end of line 3, by striking out the words "and making an appropriation."

Amend Section 1, page 2, line 1, by striking out the words "and three" and inserting in lieu thereof the word "two"; also same page, line 3, by inserting after the word "Representatives" the words "and one of which shall be appointed by the Mayor of such first class city"; also same page, line 8, by striking out the word "three" and inserting in lieu thereof the word "two"; also same page, line 10, by striking out the words "two members" and inserting in lieu thereof the words "a member"; also same page, by striking out in lines 13 and 14 the words "from a list of eligibles furnished him by the mayor of such first class city."

Amend Section 2, page 3, line 2, by inserting after the word "subject" the words "provided that it is without cost or obligation to the Commonwealth."

Amend Section 4, page 3, by striking out all of lines 19 to 23 inclusive as follows:

"Section 4 The sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the expenses of said commission in carrying out the provisions of this act."

Amend Section 5, page 3, line 24, by striking out after the word "Section" the figure "5" and inserting in lieu thereof the figure "4".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Foor,	Malloy,	Rooney,
Allmond,	French,	Marks,	Rose, S.,
Auker,	Gallagher,	Maxwell,	Rosenfeld,
Baker,	Gates,	McClanaghan,	Rush,
Balthaser,	Gerard,	McClester,	Sarge,
Baughner,	Gillan,	McDermott,	Sarra,
Bentley,	Gillette,	McDowell,	Scanlon,
Bentzel,	Goodwin,	McFall,	Schwab,
Boles,	Greenwood,	McGrath,	Shaffer,
Boney,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Bretherick,	Haberlen,	McLane,	Skale,
Brunner, C. H.,	Haines,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Stambaugh,
Burns,	Hare,	Melchiorre,	Stank,
Burriss,	Harkins,	Mihm,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatherington,	Mooney,	Tarr,
Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Taylor,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Verona,
Croop,	Holland,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Vogt,
Dalrymple,	James,	O'Dare,	Voorhees,
Denison,	Jefferson,	O'Mullen,	Wagner,
DiGenova,	Jones, G. E.,	O'Neill,	Watkins,
Dix,	Jones, P. N.,	Owens,	Weingartner,
Dolon,	Keenan,	Petrosky,	Weiss,
Duffy,	Kenehan,	Pettit,	Welsh, E. B.,
Early,	Kline,	Polaski,	Welsh, M. J.,
Eckels,	Knoble,	Polen,	Wilkinson,
Elder,	Kolankiewicz,	Powers,	Williams,
Elliott,	Komorowski,	Prosen,	Winner,
Ely,	Krise,	Rank,	Wolf,
Falkenstein,	Lee, T. H.,	Rausch,	Wood, L. H.,
Finestone,	Lelsey,	Readinger,	Woodring,
Finnerty,	Lesko,	Reagan,	Woodside,
Fisher,	Levy,	Reese, D. P.,	Wright,
Fiss,	Leydic,	Reese, R. E.,	Yeakel,
Fleming,	Lichtenwalter,	Regan,	Yester,
Fletcher,	Longo,	Reynolds,	Young,
Flynn,	Lovett,	Rhea,	Kilroy,
	Lyons,	Riley,	Speaker.

NAYS—0

The majority required by the Constitution having voted ~~in~~ the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 291.

An Act making appropriations for aid to free public nonsectarian county libraries, and for the purchase and transportation of books.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

(This bill was amended in the Senate, Printer's No. 974. The amendments were removed, Printer's No. 1047, and the bill returned to the House in its original form, Printer's No. 622).

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	French,	Malloy,	Riley,
Allmond,	Gallagher,	Marks,	Rooney,
Auker,	Gates,	Maxwell,	Rose, S.,
Baker,	Gerard,	McClanaghan,	Rosenfeld,
Balthaser,	Gillan,	McClester,	Rush,
Baughner,	Gillette,	McDermott,	Sarge,
Bentley,	Goodwin,	McDowell,	Sarra,
Bentzel,	Greenwood,	McFall,	Scanlon,
Boles,	Gryskewicz,	McGrath,	Schwab,
Boney,	Gyger,	McIntosh,	Shaffer,
Bower,	Habbyshaw,	McKinney,	Shaw,
Bradley,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brunner, P. A.,	Hamilton,	McMillen,	Skale,
Burns,	Hare,	McSurdy,	Sollenberger,
Burriss,	Harkins,	Melchiorre,	Stambaugh,
Cadwalader,	Harris,	Mihm,	Stank,
Chervenak,	Heatherington,	Monks,	Stine,
Cochran,	Helm,	Mooney,	Stockham,
Cohen, M. M.,	Hering,	Moran,	Tarr,
Cohen, R. E.,	Herman,	Moul,	Tate,
Cook,	Hersch,	Muir,	Taylor,
Cordier,	Hewitt,	Munley,	Thompson, E. F.,
Corrigan,	Hirsch,	Nagel,	Trout,
Croop,	Holland,	Nunemacher,	Turner,
Cullen,	Imbrie,	O'Brien,	Verona,
Dalrymple,	James,	O'Connor,	Vincent,
Denison,	Jefferson,	O'Dare,	Vogt,
DiGenova,	Jones, G. E.,	O'Mullen,	Voorhees,
Dix,	Jones, P. N.,	O'Neill,	Wagner,
Dolon,	Keenan,	Owens,	Watkins,
Duffy,	Kenehan,	Petrosky,	Weingartner,
Early,	Kline,	Pettit,	Weiss,
Eckels,	Knoble,	Polaski,	Welsh, E. B.,
Elder,	Kolankiewicz,	Polen,	Welsh, M. J.,
Elliott,	Komorowski,	Powers,	Wilkinson,
Ely,	Krise,	Prosen,	Williams,
Falkenstein,	Lee, T. H.,	Rank,	Winner,
Finestone,	Lelsey,	Rausch,	Wolf,
Finnerty,	Lesko,	Readinger,	Wood, L. H.,
Fisher,	Levy,	Reagan,	Woodring,
Fiss,	Leydic,	Reese, D. P.,	Woodside,
Fleming,	Lichtenwalter,	Reese, R. E.,	Wright,
Fletcher,	Longo,	Regan,	Yeakel,
Flynn,	Lovett,	Reynolds,	Yester,
Foor,	Lyons,	Rhea,	Young,
			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in accordingly.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1106.

An Act making an appropriation to the Woman's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out the words "one hundred eighty" and inserting in lieu thereof the words "one hundred twenty"; also same page, line 2, by striking out the figures "\$180,000" and inserting in lieu thereof the figures "\$120,000".

On the question, *

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—187

Achterman,	French,	Marks,	Rose, S.,
Allmond,	Gallagher,	Maxwell,	Rosenfeld,
Auker,	Gates,	McClanaghan,	Rush,
Baker,	Gerard,	McClester,	Sarge,
Balthaser,	Gillan,	McDermott,	Sarra,
Baughner,	Gillette,	McDowell,	Scanlon,
Bentley,	Goodwin,	McFall,	Schwab,
Bentzel,	Greenwood,	McGrath,	Shaffer,
Boles,	Gryskewicz,	McIntosh,	Shaw,
Boney,	Gyger,	McKinney,	Shepard,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hamilton,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hare,	Melchiorre,	Stank,
Burns,	Harkins,	Mihm,	Stine,
Burrill,	Harris,	Monks,	Stockham,
Cadwalader,	Heatherington,	Mooney,	Tarr,
Chervenak,	Helm,	Moran,	Tate,
Cochran,	Hering,	Moul,	Taylor,
Cohen, M. M.,	Herman,	Mulr,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Munley,	Trout,
Cook,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	Van Alsbury,
Corrigan,	Holland,	O'Brien,	Verona,
Croop,	Imbrie,	O'Connor,	Vincent,
Cullen,	James,	O'Dare,	Vogt,
Dalrymple,	Jefferson,	O'Mullen,	Voorhees,
Dennison,	Jones, G. E.,	O'Neill,	Wagner,
DiGenova,	Jones, P. N.,	Owens,	Watkins,
Dix,	Keenan,	Petrosky,	Weingartner,
Dolon,	Kenehan,	Pettit,	Welse,
Duffy,	Kline,	Polaski,	Welsh, E. B.,
Early,	Knoble,	Polen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Powers,	Wilkinson,
Elder,	Komorowski,	Prosen,	Williams,
Elliot,	Krise,	Rank,	Winnier,
Ely,	Lee, T. H.,	Rausch,	Wolf,
Falkenstein,	Leisey,	Readinger,	Wood, L. H.,
Finestone,	Lesko,	Reagan,	Woodring,
Finnerty,	Levy,	Reese, D. P.,	Woodside,
Fisher,	Leydie,	Reese, R. E.,	Wright,
Fise,	Lichtenwaiser,	Regan,	Yeakel,
Fleming,	Longo,	Reynolds,	Yester,
Fletcher,	Lovett,	Rhea,	Young,
Flynn,	Lyons,	Riley,	Kilroy,
Foor,	Malloy,	Rooney,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in accordingly.

Ordered. That the Clerk inform the Senate accordingly.

AMENDED SENATE BILLS NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 418.

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirteenth of each year as Commodore John Barry Day.

Mr. READINGER. Mr. Speaker, I move that the House insist on its amendments non-concurred in by the Senate. The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILLS NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 624.

An Act to further amend clause seven of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by increasing the minimum salaries of teachers in school districts of the fourth class and requiring the Commonwealth to make certain payments on account of such salaries.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 551.

A Supplement to the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page 60), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for a deficiency in the appropriation to the Department of Property and Supplies for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one; providing for payment out of revenues of the fiscal biennial period beginning June first, one thousand nine hundred forty-one; and preventing lapsing.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, at the beginning of line 2, by striking out the word "seventy" and inserting in lieu thereof the words "one hundred and five," also in same line by striking out the figures "(\$70,000)" and inserting in lieu thereof the figures "(\$105,000)"; also same page, line 6, by inserting after the word "for" the words "the following purposes (a)"; also same page, line 9, by striking out the words "the Senate"; also same page, line 10, by inserting after the word "Bureau" the words "and (b) the cost of alterations furnishings equipment and necessary improvements or space in the main Capitol building now occupied or to be occupied by the Senate."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 940.

An Act to amend section 1202 by adding thereto clause LX of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to appropriate moneys for the support of hospitals

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 6, by inserting after the word "authorizing" the word "certain."

Amend Section 1, page 1, line 7, by striking out the word "To" and inserting in lieu thereof the words "For boroughs having a population of two thousand inhabitants and upwards to"; also same page, line 8, by inserting after the word "any" the word "incorporated"; also on page 2, line 2, by striking out the word "county" and inserting in lieu thereof the words "borough but no such appropriation shall exceed in any year the cost of free service extended to residents of the borough which is in excess of any amount paid by the Commonwealth toward such free service."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,
Allmond,
Auker,
Baker,
Balthaser,

Gallagher,
Gates,
Gerard,
Gillan,
Gillette,

Maxwell,
McClanaghan,
McClester,
McDermott,
McDowell,

Rosenfeld,
Rush,
Sarge,
Sarraf,
Scanlon,

Baughner,
Bentley,
Bentzel,
Boles,
Boney,
Bower,
Bradley,
Bretherick,
Brunner, P. A.,
Burns,
Burris,
Cadwalader,
Chervenak,
Cochran,
Cohen, M. M.,
Cohen, R. E.,
Cook,
Cordier,
Corrigan,
Croop,
Cullen,
Dalrymple,
Dennison,
DiGenova,
Dix,
Dolon,
Duffy,
Early,
Eckels,
Elder,
Elliott,
Ely,
Falkenstein,
Finestone,
Finnerty,
Fisher,
Fliss,
Fleming,
Fletcher,
Flynn,
Foor,
French,

Goodwin,
Greenwood,
Gryskewicz,
Gyger,
Habbyshaw,
Haberlen,
Haines,
Hamilton,
Hare,
Harkins,
Harris,
Heatherington,
Helm,
Hering,
Herman,
Hersch,
Hewitt,
Hirsch,
Holland,
Imbrie,
James,
Jefferson,
Jones, G. E.,
Jones, P. N.,
Keenan,
Kenehan,
Kilne,
Knoble,
Kolankiewicz,
Komorowski,
Krise,
Lee, T. H.,
Lelsey,
Lesko,
Levy,
Leydic,
Lichtenwalter,
Longo,
Lovett,
Lyons,
Malloy,
Marks,

McFall,
McGrath,
McIntosh,
McKinney,
McLanahan,
McLane,
McMillen,
McSurdy,
Melchiorre,
Mifflin,
Monks,
Mooney,
Moran,
Moul,
Muir,
Munley,
Nagel,
Nunemacher,
O'Brien,
O'Connor,
O'Dare,
O'Mullen,
O'Neill,
Owens,
Petrosky,
Pettit,
Polaski,
Polen,
Powers,
Prosen,
Rank,
Rausch,
Readinger,
Reagan,
Reese, D. P.,
Reese, R. E.,
Regan,
Reynolds,
Rhea,
Riley,
Rooney,
Rose, S.,

Schwab,
Shaffer,
Shaw,
Shepard,
Simons,
Skale,
Sollenberger,
Stambaugh,
Stank,
Stine,
Stockham,
Tarr,
Tate,
Taylor,
Thompson, E. F.,
Trout,
Turner,
Van Allsburg,
Verona,
Vincent,
Vogt,
Voorhees,
Wagner,
Watkins,
Weingartner,
Weiss,
Welsh, E. B.,
Welsh, M. J.,
Wilkinson,
Williams,
Winner,
Wolf,
Wood, L. H.,
Woodring,
Woodside,
Wright,
Yeakel,
Yester,
Young,
Kilroy,
Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1175.

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 12, by striking out after the word "repairs" the words "and alterations."

Amend Section 1, page 2, by striking out in lines 24 to 27 inclusive the words "repairs or alterations are proposed"

to be done which will not tend to change the basic structure or eliminate required construction features and" and inserting in lieu thereof the words "ordinary repairs are proposed such as plastering painting replacement of floors improvement of school grounds repairing or providing walks roadways or retaining walls"; also same page, line 27, by inserting after the word "which" the words "in districts of the second class"; also same page, line 28, by inserting after the figures "\$1,000" the words and figures "or in districts of the third and fourth class will not exceed one hundred dollars (\$100)"; also on page 3, at the beginning of line 1, by striking out the words "or alterations"; also same page, line 2, by inserting after the word "required" the words "Where any structural change is involved such as moving or adding doors windows partitions making additions or any excavations approval of the State Council of Education shall be required regardless of the cost of such structural change."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz.

YEAS—186

Achterman,	French,	Marks,	Rose, S.
Allmond,	Gallagher,	Maxwell,	Rosenfeld,
Auker,	Gates,	McClanaghan,	Rush,
Baker,	Gerard,	McClester,	Sarge,
Balthaser,	Gillan,	McDermott,	Sarra,
Baughner,	Gillette,	McDowell,	Scanlon,
Bentley,	Goodwin,	McFall,	Schwab,
Bentzel,	Greenwood,	McGrath,	Shaffer,
Boles,	Gryskewicz,	McIntosh,	Shaw,
Boney,	Gyger,	McKinney,	Shepard,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	H. berien,	McLane,	Skale, *
Bretherick,	Haines,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Stambaugh,
Burns,	Hare,	Melchiorre,	Stank,
Burris,	Harkins,	Mihm,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatherington,	Mooney,	Tarr,
Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Taylor,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Van Allsburg,
Croop,	Holland,	O'Brien,	Verona,
Cullen,	Imbrie,	O'Connor,	Vincent,
Dalrymple,	James,	O'Dare,	Vogt,
Dennison,	Jefferson,	O'Mullen,	Voorhees,
D'Genova,	Jones, G. E.,	O'Neill,	Wagner,
Dix,	Jones, P. N.,	Owens,	Watkins,
Dolon,	Keenan,	Petrofsky,	Wingartner,
Duffy,	Kenehan,	Pettit,	Welse,
Early,	Kline,	Polaski,	Weish, E. B.,
Eckels,	Knoble,	Pien,	Weish, M. J.,
Elder,	Kolankiewicz,	Powers,	Wilkinson,
Elliott,	Komorowski,	Prosen,	Williams,
Ely,	Krise,	Rank,	Winnier,
Falkenstein,	Lee, T. H.,	Rausch,	Wolf,
Finestone,	Lelsey,	Readinger,	Wood, L. H.,
Finnerty,	Lesko,	Reagan,	Woodring,
Fisher,	Levy,	Reese, D. P.,	Woodside,
Fiss,	Leydic,	Reese, R. E.,	Wright,
Fleming,	Lichtenwalter,	Regan,	Yeakel,
Fletcher,	Longo,	Reynolds,	Yester,
Flynn,	Lovett,	Rhea,	Young,
For,	Lyons,	Riley,	Kilroy,
	Malloy,	Rooney,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. CHERVENAK asked and obtained permission for the Committee on Counties to meet during the session of the House to consider House Bills Nos. 1880, 1854 and 930.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1559.

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highway of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by including therein military police and certain other persons in the armed service of the United States.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 2, lines 12 to 14 inclusive by striking out the words "therein military police and certain other persons in the armed service of the United States", and inserting in lieu thereof the words "certain officers and soldiers of the United States Army Pennsylvania National Guard and Pennsylvania Reserve Defense Corps within the definition of 'peace officer.'"

Amend Section 1, page 3, at the beginning of line 24, by striking out the word "and"; also same line by inserting after the word "Guard" the words "and Pennsylvania Reserve Defense Corps."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	French,	Marks,	Rose, S.
Allmond,	Gallagher,	Maxwell,	Rosenfeld,
Auker,	Gates,	McClanaghan,	Rush,
Baker,	Gerard,	McClester,	Sarge,
Balthaser,	Gillan,	McDermott,	Sarra,
Baughner,	Gillette,	McDowell,	Scanlon,

Bentley,	Coodwin,	McFall,	Schwab,
Bentzel,	Greenwood,	McGrath,	Shaffer,
Boies,	Gryskewicz,	McIntosh,	Shaw,
Boney,	Gyger,	McKinney,	Shepard,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Stambaugh,
Burns,	Hare,	Melchiorre,	Stank,
Burris,	Harkins,	Mihm,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatherington,	Mooney,	Tarr,
Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Taylor,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Van Allsburg,
Croop,	Holland,	O'Brien,	Verona,
Cullen,	Imbrie,	O'Connor,	Vincent,
Dalrymple,	James,	O'Dare,	Vogt,
Dennison,	Jefferson,	O'Mullen,	Voorhees,
DiGenova,	Jones, G. E.,	O'Neill,	Wagner,
Dix,	Jones, P. N.,	Owens,	Watkins,
Dolon,	Keenan,	Petrosky,	Weingartner,
Duffy,	Kenehan,	Pettit,	Weiss,
Early,	Kline,	Polaski,	Welsh, E. B.,
Eckels,	Knoble,	Polen,	Welsh, M. J.,
Elder,	Kolankiewicz,	Prosen,	Wilkinson,
Elliot,	Komorowski,	Powers,	Williams,
Ely,	Krise,	Rank,	Winner,
Falkenstein,	Lee, T. H.,	Rausch,	Wolf,
Finestone,	Leisey,	Readinger,	Wood, L. H.,
Finnerty,	Lesko,	Reagan,	Woodring,
Fisher,	Levy,	Reese, D. P.,	Woodside,
Fiss,	Leydic,	Reese, R. E.,	Wright,
Fleming,	Lichtenwalter,	Regan,	Yeakel,
Fletcher,	Longo,	Reynolds,	Yester,
Flynn,	Lovett,	Rhea,	Young,
For,	Lyons,	Riley,	Kilroy, Speaker.
	Malloy,	Rooney,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 529.

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that the tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 2, line 15, by inserting light-faced brackets before and after the word "one"; also same line by inserting after the word "one" the word "a."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Gallagher,	Marks,	Rooney,
Allmond,	Gates,	Maxwell,	Rose, S.,
Auker,	Gerard,	McClanaghan,	Rosenfeld,
Baker,	Gillan,	McClester,	Rush,
Balthaser,	Gillette,	McDermott,	Sarge,
Baugher,	Goodwin,	McDowell,	Sarra,
Bentley,	Greenwood,	McFall,	Scanlon,
Boies,	Gryskewicz,	McGrath,	Schwab,
Boney,	Gyger,	McIntosh,	Shaw,
Bower,	Habbyshaw,	McKinney,	Shaffer,
Bradley,	Haberlen,	McLanahan,	Shepard,
Bretherick,	Haines,	McLane,	Simons,
Brunner, P. A.,	Hamilton,	McMillen,	Skale,
Burns,	Hare,	McSurdy,	Sollenberger,
Burris,	Harkins,	Melchiorre,	Stambaugh,
Cadwalader,	Harris,	Mihm,	Stank,
Chervenak,	Heatherington,	Monks,	Stine,
Cochran,	Helm,	Mooney,	Stockham,
Cohen, M. M.,	Hering,	Moran,	Tarr,
Cohen, R. E.,	Herman,	Moul,	Tate,
Cook,	Hersch,	Muir,	Taylor,
Cordier,	Hewitt,	Munley,	Thompson, E. F.,
Corrigan,	Hirsch,	Nagel,	Trout,
Croop,	Holland,	Nunemacher,	Turner,
Cullen,	Imbrie,	O'Brien,	Van Allsburg,
Dalrymple,	James,	O'Connor,	Verona,
Dennison,	Jefferson,	O'Dare,	Vincent,
DiGenova,	Jones, G. E.,	O'Mullen,	Vogt,
Dix,	Jones, P. N.,	O'Neill,	Voorhees,
Dolon,	Keenan,	Owens,	Wagner,
Duffy,	Kenehan,	Petrosky,	Watkins,
Early,	Kline,	Pettit,	Weingartner,
Eckels,	Knoble,	Polaski,	Weiss,
Elder,	Kolankiewicz,	Polen,	Welsh, E. B.,
Elliot,	Komorowski,	Powers,	Welsh, M. J.,
Ely,	Krise,	Prosen,	Wilkinson,
Falkenstein,	Lee, T. H.,	Rank,	Williams,
Finestone,	Leisey,	Rausch,	Winner,
Finnerty,	Lesko,	Readinger,	Wolf,
Fisher,	Levy,	Reagan,	Wood, L. H.,
Fiss,	Leydic,	Reese, D. P.,	Woodring,
Fleming,	Lichtenwalter,	Reese, R. E.,	Woodside,
Fletcher,	Longo,	Regan,	Wright,
Flynn,	Lovett,	Reynolds,	Yeakel,
For,	Lyons,	Rhea,	Yester,
French,	Malloy,	Riley,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 581.

An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis in cattle.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend title, page 1, line 3 of the title by inserting after the word "mastitis" the words "and Bang's disease."

Amend Section 1, page 1, line 5, by striking out at the end of said line the word "disease" and inserting in lieu thereof the word "diseases"; also same page, line 6, by inserting after the word "mastitis" the words "and Bang's disease"; also same page, at the end of line 7, by striking out the word "disease" and inserting in lieu thereof the word "diseases."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	French,	Marks,	Rose, S.,
Allmond,	Gallagher,	Maxwell,	Rosenfeld,
Auker,	Gates,	McClanaghan,	Rush,
Baker,	Gerard,	McClester,	Sarge,
Balthaser,	Gillan,	McDermott,	Sarra,
Baughner,	Gillette,	McDowell,	Scanlon,
Bentley,	Goodwin,	McFall,	Schwab,
Bentzel,	Greenwood,	McGrath,	Shaffer,
Boles,	Gryskewicz,	McIntosh,	Shaw,
Boney,	Gyger,	McKinney,	Shepard,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Stambaugh,
Burns,	Hare,	Melchiorre,	Stank,
Burris,	Harkins,	Mihm,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatherington,	Mooney,	Tarr,
Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Taylor,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Van Allsburg,
Croop,	Holland,	O'Brien,	Verona,
Cullen,	Imbrie,	O'Connor,	Vincent,
Dalrymple,	James,	O'Dare,	Vogt,
Dennison,	Jefferson,	O'Mullen,	Voorhees,
DiGenova,	Jones, G. E.,	O'Neill,	Wagner,
Dix,	Jones, P. N.,	Owens,	Watkins,
Dolon,	Keenan,	Petrosky,	Weingartner,
Duffy,	Kenehan,	Pettit,	Weiss,
Early,	Kilne,	Polaski,	Welsh, E. B.,
Eckels,	Knoble,	Polen,	Welsh, M. J.,
Elder,	Kolankiewicz,	Powers,	Wilkinson,
Elliot,	Komorowski,	Prosen,	Williams,
Ely,	Krise,	Rank,	Winner,
Falkenstein,	Lee, T. H.,	Rausch,	Wolf,
Finestone,	Leisey,	Readinger,	Wood, L. H.,
Finnerty,	Lesko,	Reagan,	Woodring,
Fisher,	Levy,	Reese, D. P.,	Woodside,
Fiss,	Leydic,	Reese, R. E.,	Wright,
Fleming,	Lichtenwalter,	Regan,	Yeakel,
Fletcher,	Longo,	Reynolds,	Yester,
Flynn,	Lovett,	Rhea,	Young,
Foor,	Lyons,	Riley,	Kilroy,
	Malloy,	Rooney,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in. Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House. Mr. STANK asked and obtained permission for the Committee on Highways to meet during the session of the House.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1066.

An Act making an appropriation to the Trustees of the

Hahnnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 1, by striking out in lines 2 and 3 the words and figures "one hundred twenty-five thousand dollars (\$125,000)" and inserting in lieu thereof the words and figures "one hundred fifty thousand dollars (\$150,000)."

On the question, Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Gallagher,	Maxwell,	Rosenfeld,
Allmond,	Gates,	McClanaghan,	Rush,
Auker,	Gerard,	McClester,	Sarge,
Baker,	Gillan,	McDermott,	Sarra,
Balthaser,	Gillette,	McDowell,	Scanlon,
Baughner,	Goodwin,	McFall,	Schwab,
Bentley,	Greenwood,	McGrath,	Shaffer,
Bentzel,	Gryskewicz,	McIntosh,	Shaw,
Boles,	Gyger,	McKinney,	Shepard,
Boney,	Habbyshaw,	McLanahan,	Simons,
Bower,	Haberlen,	McLane,	Skale,
Bradley,	Haines,	McMillen,	Sollenberger,
Bretherick,	Hamilton,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hare,	Melchiorre,	Stank,
Burns,	Harkins,	Mihm,	Stine,
Burris,	Harris,	Monks,	Stockham,
Cadwalader,	Heatherington,	Mooney,	Tarr,
Chervenak,	Helm,	Moran,	Tate,
Cochran,	Hering,	Moul,	Taylor,
Cohen, M. M.,	Herman,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Munley,	Trout,
Cook,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	Van Allsburg,
Corrigan,	Holland,	O'Brien,	Verona,
Croop,	Imbrie,	O'Connor,	Vincent,
Cullen,	James,	O'Dare,	Vogt,
Dalrymple,	Jefferson,	O'Mullen,	Voorhees,
Dennison,	Jones, G. E.,	O'Neill,	Wagner,
DiGenova,	Jones, P. N.,	Owens,	Watkins,
Dix,	Keenan,	Petrosky,	Weingartner,
Dolon,	Kenehan,	Pettit,	Weiss,
Duffy,	Kilne,	Polaski,	Welsh, E. B.,
Early,	Knoble,	Polen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Powers,	Wilkinson,
Elder,	Komorowski,	Prosen,	Williams,
Elliot,	Krise,	Rank,	Winner,
Ely,	Lee, T. H.,	Rausch,	Wolf,
Falkenstein,	Leisey,	Readinger,	Wood, L. H.,
Finestone,	Lesko,	Reagan,	Woodring,
Finnerty,	Levy,	Reese, David P.,	Woodside,
Fisher,	Leydic,	Reese, R. E.,	Wright,
Fiss,	Lichtenwalter,	Regan,	Yeakel,
Fleming,	Longo,	Reynolds,	Yester,
Fletcher,	Lovett,	Rhea,	Young,
Flynn,	Lyons,	Riley,	Kilroy,
Foor,	Malloy,	Rooney,	
French,	Marks,	Rose, S.,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 943.

An Act to reenact and amend section 441 of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing boards of county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, by striking out in lines 7 and 8 of the title the words "except in counties of the second class."

Amend Section 1, page 2, line 14, by striking out the words "Except in counties of the second class."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 567.

An Act to reenact and amend the title and the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled ["An act] for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 3, by striking out the light-faced brackets before and after the words "An act."

Amend Section 1, page 2, line 3, by striking out the light-faced brackets before and after the words and figures "(Pamphlet Laws 748)"; also on page 4, at the end of line 2, by striking out the heavy-faced brackets before and after the word "thereunder" and inserting in lieu thereof light-faced brackets; also same page, at the beginning of line 18, by striking out the heavy-faced brackets before the word "The"; also same page, at the end of line 19, by striking out the heavy-faced bracket after the word "follows."

Amend Section 2, page 5, line 12, by striking out "[and]"; also same page, line 13, by striking out "[shall]"; also on page 8, line 5, by striking out the heavy-faced brackets before the word "national" and inserting in lieu thereof a light-faced bracket; also same page, line 6, by striking out the heavy-faced bracket after the syllable "stitutions" and inserting in lieu thereof a light-faced bracket; also same line, by striking out the heavy-faced bracket before the word "or" and inserting in lieu thereof a light-faced bracket; also same page, line 7, by striking out the heavy-faced bracket after the word "State" and inserting in lieu thereof a light-faced bracket; also same page, line 10, by striking out the heavy-faced brackets before and after the word "unsecured" and inserting in lieu thereof light-faced brackets; also on page 9, at the end of line 9, by striking out the heavy-faced brackets before and after the word "stock" and inserting in lieu thereof light-faced brackets; also on page 10, line 22, by striking out the heavy-faced brackets before and after the word and figures "and (12)" and inserting in lieu thereof light-faced brackets; also on page 11, line 1, by striking out the heavy-faced brackets before and after the word and figures "or (12)" and inserting in lieu thereof light-faced brackets; also on page 13, line 14, by striking out the word "any" and inserting in lieu thereof the word "the"; also at the end of same line by striking out the word "the" and inserting in lieu thereof the word "any"; also same page, line 15, by striking out "news magazine" and inserting in lieu thereof "news-magazine"; also same line, by inserting after the word "or" the words "business or"; also at the end of same line by striking out the word "publications" and inserting in lieu thereof the words "publication."

Amend Section 3, page 17, lines 1 and 2, by striking out the words "the business of"; also same page, at the end of line 3, by striking out the heavy-faced brackets before and after the word "and" and inserting in lieu thereof light-faced brackets.

Amend Section 4, page 18, line 3, by striking out the word "Partners" and inserting in lieu thereof the word "partners"; also same page, at the end of line 5, by striking out the heavy-faced brackets before and after the word "and" and inserting in lieu thereof light-faced brackets; also same page, line 7, by striking out after the word "business" the word "[such]" and inserting in lieu thereof the word "[Such]"; also on page 19, at the end of line 9, by striking out the heavy-faced brackets before and after the word "or" and inserting in lieu thereof light-faced brackets.

Amend Section 6, page 21, line 2, by inserting after the figure "6" the following: "[If the commission is satisfied that an applicant for registration as a dealer hereunder is of good repute and that the proposed plan of business of the applicant is not unfair unjust or inequitable the commission shall register the applicant and]"; also same page, line 6, by striking out the words "or renewal application as the case may be."

Amend Section 8, page 23, line 9, by striking out the heavy-faced brackets before and after the word "their" and inserting in lieu thereof light-faced brackets.

Amend Section 9, page 25, line 19, by striking out the heavy-faced brackets before and after the words "or fails" and inserting in lieu thereof light-faced brackets.

Amend Section 11, page 26, line 26, by inserting after the word "person" the words "except a solicitor"; also same page, line 27, by striking out the words "or solicitor"; also on page 27, line 1, by inserting after the word "when" the words "[so engaged]"; also same page, line 2, by striking out at the end of said line the word "when"; also same page, line 5, by striking out after the word "to" the

heavy-faced brackets before and after the word "any" and inserting in lieu thereof light-faced brackets; also on page 28, line 3, by striking out the word "hereinafter" and inserting in lieu thereof the word "herein."

Amend Section 13, page 29, line 6, by striking out the words "or analysis"; also on page 30, lines 8 and 9, by striking out the words "unless so registered as a dealer or salesman"; also same page, line 12, by inserting after the word "purchased" the words "No investment adviser shall issue or publish in this State any analysis until such investment adviser shall have been registered or temporary permission shall have been obtained as in this act provided."

Amend Section 14, page 35, line 12, by striking out the heavy-faced brackets before and after the letter "(a)" and inserting in lieu thereof light-faced brackets; also same page, line 13, by striking out the heavy-faced brackets before and after the letter "(b)" and inserting in lieu thereof light-faced brackets; also same page, line 14, by striking out the heavy-faced brackets before and after the letter "(c)" and inserting in lieu thereof light-faced brackets; also same page, line 15, by striking out the heavy-faced brackets before and after the letter "(d)" and inserting in lieu thereof light-faced brackets.

Amend Section 15, page 38, line 1, by striking out the words "or solicitors" and inserting in lieu thereof the words "or solicitor's"; also same page, at the end of line 1 and the beginning of line 2, by striking out the word "registrations" and inserting in lieu thereof the word "registration."

Amend Section 16, page 38, line 25, by inserting after the word "pending" the words "[such hearing in either]"; also same page, line 26, by striking out "in" and inserting "In"; also on page 39, at the end of line 7 and at the beginning of line 8 by striking out the word "representative's"; also same page, at the end of line 9, by striking out the heavy-faced brackets before and after the word "either" and inserting in lieu thereof light-faced brackets.

Amend Section 18, page 40, line 24, by striking out the heavy-faced brackets before and after the words "if any" and inserting in lieu thereof light-faced brackets; also on page 41, line 18, by inserting after the word "sustaining" the word "[the]."

Amend Section 19, page 43, line 11, by striking out the heavy-faced brackets before and after the words "an order" and inserting in lieu thereof light-faced brackets; also same page, line 12, by striking out the heavy-faced brackets before and after the words "obey the subpoena" and inserting in lieu thereof light-faced brackets.

Amend Section 21, page 45, line 14, by inserting after the word "manages" the word "any"; also same line by striking out the word "accounts" and inserting in lieu thereof the word "account"; also same page, line 20, by striking out the word "takes" and inserting in lieu thereof the word "taken."

Amend Section 22, page 46, line 5, by inserting between the words "and" and "any" the words "any investment adviser who shall in this State without being registered hereunder engage in the business of advising other persons either directly or through publication or writing as to the value of securities or as to the advisability of investing in purchasing or selling securities or who for compensation manages any trading or investment account for another person or who for compensation and as part of his regular business issues or promulgates analyses or reports concerning securities and any solicitor who shall in this State without being registered hereunder solicit any person to contract for or engage the services of any investment adviser and"; also same page, lines 18, 19, and 20, by striking out the words "who shall represent himself as an investment adviser or solicitor without being registered hereunder"; also same page, line 21, by striking out the heavy-faced brackets before and after the word "provision" and inserting in lieu thereof light-faced brackets; also same page, line 27, by striking out after the word "security" the heavy-faced bracket before the word "and" and inserting in lieu thereof a light-faced bracket; also same page, line 28, by striking out the heavy-faced bracket after the word "act" and inserting in lieu thereof a light-faced bracket.

Amend Section 26, page 51, line 24, by striking out the word "employe" and inserting in lieu thereof the word "employees"; also same page, at the end of line 28, by striking out the heavy-faced bracket before the word "for" and inserting in lieu thereof a light-faced bracket; also same page, at the end of line 29, by striking out the heavy-faced bracket after the word "common" and inserting in lieu thereof a light-faced bracket; also on page 52, at the beginning of line 1, by striking out the heavy-faced bracket before the word "pleas" and inserting in lieu thereof a light-faced bracket; also same page, at the end of line 3, by striking out the heavy-faced bracket after the word "bond" and inserting in lieu thereof a light-faced bracket.

Amend Section 27, page 52, line 23, by inserting light-faced brackets before and after the word "first"; also same line by inserting after the word "first" the word "thirtieth"; also same line, by inserting light-faced brackets before and after the word "July"; also same line, by inserting after the word "July" the word "June."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 616.

An Act to amend section seven of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427) entitled "An Act to Consolidate, Revise, and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings," providing for the fixing of bail and the admission to bail by magistrates, committing magistrates, justices of the peace or aldermen and the fixing of bail by coroners in certain cases involving involuntary manslaughter.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MONKS asked and obtained permission for the Committee on Military Affairs to meet during the session of the House.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate June 26, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 352, Printer's No. 463, entitled:

An Act providing for the creation maintenance and operation of a county employees retirement system in counties of the fifth class imposing certain charges on counties and prescribing penalties

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate? It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 25, 1941.

Resolved, (if the Senate concur), That House Bill No. 1323, Printer's No. 984, entitled "An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for the conveyance by said city of Wildwood Park to the Commonwealth; providing for the transfer of said park to the Department of Forests and Waters and the use thereof by the department as a State park, and by other departments, boards and commissions for their respective purposes,"

be recalled from the Governor for the purpose of amendment.

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 185.

An Act to further amend the act approved the fourth day of April one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption" further regulating adoption proceedings as to the consent of and notice to be given to parents of the person proposed to be adopted as to who can be adopting parents and procedure at the adoption hearings

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 209.

An Act providing for the forfeiture and condemnation of vehicles used to store possess or transport narcotics or drugs the possession or transportation of which is in violation of law

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 697.

A Joint Resolution proposing an amendment to section

one article nine of the Constitution of the Commonwealth of Pennsylvania.

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 787.

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by exempting certain transportation from the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle" further regulating the right to render service as a contract carrier by motor vehicle prohibiting the imposition of costs upon the commission in certain appeals to the Superior Court subjecting persons and corporations to certain civil penalties for violating the act prohibiting motor carriers common carriers by airplane and any operator or employe of such carriers and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers and changing the penalty with respect thereto and eliminating the requirement that certain attempts to evade or defeat reg-

ulation for carriers or brokers must be fraudulent in order to be punishable

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 1017.

An Act to amend section one of the act, approved the fifteenth day of May, one thousand eight hundred and seventy-four (P. L. 186), entitled "An act declaring what offices are incompatible," by specifically exempting persons serving in the armed forces of the United States during any war or state of emergency

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 185.

An Act to further amend the act approved the fourth day of April one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption" further regulating adoption proceedings as to the consent of and notice to be given to parents of the person proposed to be adopted as to who can be adopting parents and procedure at the adoption hearings

SENATE BILL No. 209.

An Act providing for the forfeiture and condemnation of vehicles used to store possess or transport narcotics or drugs the possession or transportation of which is in violation of law

SENATE BILL No. 697.

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

SENATE BILL No. 787.

An Act to further amend the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject

to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by exempting certain transportation from the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle" further regulating the right to render service as a contract carrier by motor vehicle prohibiting the imposition of costs upon the commission in certain appeals to the Superior Court subjecting persons and corporations to certain civil penalties for violating the act prohibiting motor carriers common carriers by airplane and any operator or employe of such carriers and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers and changing the penalty with respect thereto and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable

SENATE BILL No. 1017.

An Act to amend section one of the act, approved the fifteenth day of May, one thousand eight hundred and seventy-four (P. L. 186), entitled "An act declaring what officers are incompatible," by specifically exempting person serving in the armed forces of the United States during any war or state of emergency

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

CONFERENCE REPORT ON SENATE BILL No. 588

Mr. AUKER presented the report of the Committee of Conference on the part of the House on Senate Bill No. 588.

The report was read by the Clerk.

The SPEAKER. This being a Senate Bill the report will be printed by the Senate, and placed in the files of the Members of the House.

PERMISSION TO ADDRESS HOUSE

Mr. SARGE asked and obtained unanimous consent to address the House.

Mr. Speaker. Several weeks ago, I made a speech on the floor of this House, appealing to the Honorable Kenneth Harkins and his Committee on Education, to bring out House Bill 396, introduced by the Honorable Ellwood J. Turner, former Speaker of the House, on February 12th and referred to said Committee on February 17th.

This is the bill which would amend the Teachers' Tenure Act so that School Boards would have the right to fire teachers of subversive and un-American philosophies in the schools of our Commonwealth. The Chairman of the Educational Committee in his reply to my remarks, attempted adroitly to befog and cover up the real issue, by reading editorials and diverting the attention of the House to the controversy over the use of Dr. Rugg's questionable text books in our schools.

I know that several substitute bills along this line have been presented to the different committees such as the Cordier-Kenehan Bills. These bills are all right in their purpose but I still think that we should have a definite amendment to the Teachers Tenure Act which would permit the school boards to fire teachers of subversive and un-American philosophies. Some of the latter bills are all right in their general purpose and perhaps are a gesture in the right direction, but this is no time for gestures. What we want is definite, specific authority in this important matter.

I now wish to reiterate and repeat my plea to the Educational Committee to bring out House Bill 396. As previously stated, this bill has a specific and direct and definite purpose aside from any discussion of Dr. Rugg's text books.

Certainly, after the deluge of newspaper editorials demanding the passage of this bill and after the interest shown by the patriotic organizations of our State, topped now by the appeal of the Democratic leader of the City of Philadelphia, Mr. Kelly, to the members of his own party, to bring out these anti-Communist bills, certainly there can be no doubt of the popular demand for this kind of legislation.

In an editorial in the Philadelphia Inquirer, the Chairman of the Educational Committee was quoted as having said, "The members of the Educational Committee can bring these bills out, if they so desire." Therefore, I now say to him that I have consulted with a number of the members of the Educational Committee and each one of them with whom I have spoken has voiced their desire for this kind of legislation.

Dr. Haas, Superintendent of Public Instruction, has publicly voiced his demand and desire for this amendment to the Teachers Tenure Law. A federation of teachers has expelled their entire local, because its membership included teachers who are alleged fellow travelers.

The C.I.O. with the assistance and approval of the Roosevelt Administration is putting on a drive to purge its organization of Communists. And yet, notwithstanding all of this public clamor, notwithstanding the patriotic demand of men and women in all walks of life, that our defense plants and above all, our schools, should be purged from this iniquitous "red poison," the Democratic controlled Committees of this House have defiantly and stubbornly refused to accede to these patriotic demands. Therefore, much as I dislike so doing, I now feel compelled to put this direct and definite question to Mr. Harkins, the Chairman of the Educational Committee and to the Democratic members of that committee: Do you want "Reds" in the schools of Pennsylvania?

In my speech of a few weeks ago, I said, that when a bill was introduced and sponsored by a gentleman who is a former Speaker of this House and by a gentleman who has had the experience and legislative background of Ellwood Turner, it should be brought out on the floor of

the House as a matter of courtesy. I also stated that if the situation were reversed and the bill were sponsored by the present Speaker of the House, I would certainly, if I were on the Committee, pay the present Speaker of the House the courtesy of voting to bring out his bill. As a matter of fact, I believe that Mr. Turner would be glad to let a Democrat's name be put on this bill if that will help to bring it out on the floor of the House.

As an American citizen, I am deeply interested in this matter. I have a special and particular interest, by reason of the fact that when I was Exalted Ruler of the B. P. O. E. in 1938 and '39, the major activity of this patriotic organization was the combating of subversive and un-American philosophies and I now quote you a letter from this and other patriotic organizations of Lebanon:

June 14, 1941.

Dear Mr. Sarge;

Lebanon Lodge of Elks takes this opportunity of commending you on your efforts in the Pennsylvania House of Representatives to get House Bill No. 396 out of committee.

Keeping in mind the Americanization Program you conducted during your reign as Exalted Ruler of the Lebanon Lodge of Elks in 1938-39, these efforts are in line with your general program.

As an Elks Lodge, interested in keeping the American ideals, we heartily endorse this program to modify the teachers tenure act so schools will have the right to fire teachers on account of subversive philosophies. We believe this bill should be passed so teachers can be stopped from teaching students these un-American philosophies.

Very truly yours,

S. D. EVANS

Lebanon Lodge of Elks,

Lt. A. B. Gloninger Camp, No. 91, United Spanish War Veterans, Lebanon, Pennsylvania

My dear Sir:

The local Spanish-American camp heartily endorses your action in efforts to pass certain bills at Harrisburg—such as barring the Reds from Pennsylvania politics and the dismissal of certain school teachers who by their activity teach isms other than Americanism would that we had more men who had the courage of their convictions. Keep up the good work.

Very respectfully,

JNO. T. FERTIG, Adj.

Dear Legislator:

As a member of the Americanization Committee of the Veterans of Foreign Wars Post 23, Lebanon, Pa., I wish to be placed on record as being in favor of House Bill 396 and its companion bill in the Senate. I understand that these bills would help to protect the children in the public schools from Anti-American movements injected by teachers who are not teaching true American ideals.

Please use every effort at your command to get these bills before the proper bodies and voted upon in a favorable manner.

Thanking you for your kindness,

I am

Very truly yours,

FREDERICK S. FRANTZ
Funeral Director.

Wm. H. Bollman Post No. 158
American Legion
Lebanon, Pennsylvania

June 16, 1941.

Dear Sir:

On behalf of the William H. Bollman Post No. 158, American Legion, Department of Pennsylvania at Lebanon, Pennsylvania, I am writing to you in regard to the status of various bills introduced in the State Assembly in reference to public teachers connected with the Communist Party or teaching un-American theories of government. I understand that there is a bill in the House Committee (H. B. 396), making it possible for school boards to dismiss public school teachers who are teaching un-American theories of government. Also, a Senate Bill that is likewise before the House Committee on similar lines. As the head of the local Post, consisting of American citizens who have fought, and in many instances suffered greivous injuries, in order to preserve our American institutions, and form of government, I am urging and respectfully insisting that you exert your vote and influence to bring before the House and secure the passage of these bills which will enable our authorities to deal with the menace of the Communistic propagandist who operates under the guise of an educator. Our best efforts for armed defense of our nation will be of no avail, if we permit the minds of our youth to be poisoned from within. You and your colleagues have sworn to uphold the Constitution of the United States and State of Pennsylvania. I suggest that this is the time and the opportunity to make your oath mean something.

Respectfully submitted,

STEPHEN R. STEELEY,
Commander.

Mr. Speaker, I wish it understood that it is my desire to be entirely impersonal in my anxiety about this important matter. I have many friends of the Democratic side of the House and I have a high regard for the Chairman of the Educational Committee and for the Democratic members of that Committee, but in a crisis such as America faces today, I can not conceive of such a mental quirk or queer philosophy that would make anyone so determined and so obstinate as to refuse to comply with such a reasonable and such a patriotic request on the part of the people of Pennsylvania, to bring this Bill out in the floor of the House and let the members of the legislature decide whether or not we want to give the School Boards the right to fire disloyal teachers.

I say to the Chairman of the Educational Committee and to the Democratic members thereon, that President Franklin D. Roosevelt has stated that neither Hitler nor Stalin nor their minions believe in a Supreme Being.

And I ask the Chairman of this Educational Committee, and the Democratic members thereon, do you realize what a real danger there is, to have even a few teachers in our public schools give your children and mine the fundamentals of a system that would (1) destroy the churches of God in America; (2) that would tear God's image from the hearts of our people; and (3) that would have our children trample over the American Flag to salute with fists upraised, the "red" flag of revolution?

The opposition has used the old worn out theory of witch hunting, trying to make us believe that the purpose of these bills was to give rise to witch hunting. Let us not forget that it was this same cry, coupled with Fifth Column activities that started the undermining of France and caused her ruin! And now some people are

trying to confuse the issue by the recent development in the war situation which has allied Russia with England. I quote you from an editorial in the June 23rd issue of the Lebanon Daily News, entitled "When Thieves Fall Out Just Men Get Their Due."

"Just because the Comrades find themselves unwillingly lined up with — of all people — Winston Churchill, it is no reason for Uncle Sam to relax in his drive to clean them out of key positions in America.

"For until Hitler pulled his latest double cross, the Reds were perfectly willing to stage acts of sabotage in both England and America. Let us not be fooled by Communists bearing gifts. Don't be mistaken, they aren't fighting to make the world safe for democracy or capitalism. They are just a bunch of mocracy or capitalism. They are just a bunch of croaching upon their home territory."

I also call your attention to the statement made on Sunday afternoon by Prime Minister Churchill in which he said that he reiterates everything that he said in the past 25 years against Communism. In other words, the fact that Russia is now fighting against Germany is no reason for refusing to pass House Bill 396.

Naturally, the teachers of Local 192, suspended by the American Federation of Teachers on grounds of Communistic sympathies are against it. Mr. Weinstein, Secretary of a C.I.O. local is against it, according to the newspapers. So are Stalin and Hitler, and what else would you expect?

Mr. Speaker, I want a specific amendment to the Teachers Tenure Law that will definitely give School Boards the right to fire subversive teachers from the public school system. The people of Pennsylvania are entitled to such a law. It won't hurt a single loyal American teacher.

Let's get together and lick this system of ferocious barbarism in the schools of Pennsylvania. Let's assure the people of Pennsylvania that the anarchistic and atheistic doctrines of Stalin shall not be taught in the schools of Pennsylvania.

In conclusion, Mr. Speaker, as I stand here and as I see the picture of the gentleman on the right reading the Declaration of Independence, as I see the picture of Thaddeus Stevens the father of the public school system in America, and as I see on the wall at the rear Washington at Valley Forge, and as I look upon the inscription on the ceiling overhead, "Ye Shall Know The Truth and The Truth Shall Make You Free," and as I think of the man who said, "Suffer little children to come unto me for of such is the kigdom of Heaven," and "Blessed is the nation that has the Lord in thought."

Again I say to the Democratic party, that the refusal of this Legislature to pass this anti-Communistic legislation will leave a stench in the nostrils of all the Christian people in this great Commonwealth, and your refusal to cooperate in this matter will go down in history as the greatest political bungling ever perpetrated in the hall of this Legislature. In fact, gentlemen, it will be nothing short of a catastrophic cataclysm.

MEMBERS EXPRESS THANKS

Mr. WOLF. Mr. Speaker, yesterday afternoon there was handed to me a copy of a resolution which had been read in this House the preceding day. It was a resolution of congratulation.

Mr. Speaker, on behalf of Mrs. Wolf and myself I wish to express to the Members from Berks County my sincere appreciation for having had this resolution prepared. I wish to express my sincere appreciation and thanks to you, Mr. Speaker, for having it read, and to the Members of the House for having it adopted. It is something that will be long remembered and appreciated so in conclusion I say to you, Mr. Speaker, and members of the House, I thank you.

PERMISSION TO ADDRESS HOUSE

Mr. HARKINS asked and obtained unanimous consent to address the House.

Mr. Speaker, I desire to answer the gentleman from Lebanon, Mr. Sarge, and in doing so I believe I can also make an answer to an editorial which appeared in the Pittsburgh Post Gazette on Thursday morning, June 19, 1941 regarding the same situation.

I note with pleasure, Mr. Speaker, that the gentleman from Lebanon, Mr. Sarge informed the Members that he has at least a high if not the highest regard for me personally, and I can return the same compliment to the gentleman from Lebanon. We personally are the best of friends. It is true that while I think we both desire to obtain the same general objectives, we look at the problem through different eyes, and Mr. Speaker, that is not strange, that is not unusual. What a peculiar world this would be if all of us from different sections of the state of Pennsylvania saw the same problems that concerned us in exactly the same way? We would all come down here as Members of one party, perchance, instead of Members of the two parties that do exist in strength today.

Mr. Speaker, I note that the gentleman quoted the motto inscribed on the ceiling of the Hall "And ye shall know the truth and the truth shall make you free." I say that is exactly what I want to have maintained in the Commonwealth of Pennsylvania.

I am not opposed to any of these bills which have been introduced by the Republican members of the House because they have been introduced by Republicans. There are men who sit on the other side of the House who today know and who will say to you that they received fair and considerate treatment from me as Chairman of the Committee of which I am Chairman. They will tell you that they received fair treatment on their individual bills. But this is not a local matter, this is a matter which goes to the fundamental principles of our government.

It is easy enough to wrap ourselves around with the flag and to assume that all leadership and that all knowledge rests within our own individual brain, and that our judgment is absolute. But, Mr. Speaker, that is not the case as far as I am concerned in this particular matter, because in my judgment it is the considered judgment of the committee that the particular bills referred to do not accomplish the aims which they purport to accomplish.

Now, Mr. Speaker, I have heard considerable from Members of the House concerning Communistic teachers. I say if there is a superintendent or supervising principal in the Commonwealth of Pennsylvania who has under his guidance or his direction teachers who are teaching subversive principals, that superintendent or supervising

principal ought to resign. I have heard no complaints from supervising principals or from superintendents about these teachers. I have seen agitation in the newspapers, I have heard it from a few particular individuals, but, Mr. Speaker, what has been attempted is not to dismiss teachers because of what they have done, but rather it is for what some members of the school boards or what some people of the community think the teachers think.

It is the same question that is wrapped up in the amendments that we debated and discussed yesterday afternoon.

Now, Mr. Speaker, I said a moment ago that I would like to answer the editorial that appears in the Pittsburgh Post-Gazette. I would have written a letter to that particular newspaper had I believed that the reactionary newspaper dictatorship which guides its editorial policy would have been fair enough to have given a proportionate amount of space and publicity to my answer that was accorded to its editorial.

In the editorial, the same thesis that the gentleman from Lebanon advanced was promulgated, namely that every bill that was introduced in committee should be reported to this floor for action. I would not have any objection to that, Mr. Speaker, personally. I think that that would be a better way of getting good laws. I think however, that we might be here much longer than we have been so far if that were to occur.

I am not sure however, that the particular newspaper which advocates that doctrine would be so anxious to have the bills which regularly are introduced in every session to limit newspaper legal advertising, brought out for discussion. In other words, it is a situation where you damn the person who keeps in committee, or who may be on a committee which retains a bill in which you have a particular interest. With the two thousand or more bills that have been introduced here, under our system it is our common knowledge that all bills should not be reported out, and it has not been the practice so to do.

Now, Mr. Speaker, I don't know whether anyone here has questioned my patriotism, I have not so understood it so far. I think the gentleman from Lebanon said he was a member of a patriotic order, the order of Elks. I too happen to be a member of that order, and I believe in the principles of that order, but nowhere have I found that the principles of that order dictate any bills such as have been under discussion in this particular session.

I believe in the Bill of Rights, in the Declaration of Independence and in the Constitution of the Commonwealth and of the United States of America.

When I took my oath as a member of this Assembly in January of this year, I swore for the fourth time in as many sessions thus, "I do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity" When I became a member of the Bar of the Supreme Court of Pennsylvania, I took a similar oath. These words have impressed themselves on me and Mr. Speaker, it is with a full knowledge of their meaning that I believe in them and believe in other sections of the Constitution as well.

Take for example Section 7 of Article I of the State Constitution, regarding Freedom of the Press which states, "The printing press shall be free to every person who may undertake to examine the proceedings of the legislature

or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty"

I would recommend that the editor of the Post-Gazette read and study Section 7 of Article I of the Constitution because there are many people who would restrict the rights of the press and limit freedom which it enjoys today.

Even though I believe the editorial policy above referred to suffers greatly from a combination of near-sighted partisanship, lack of care, in the examination of the proceedings of this House and a desire to selfishly serve reactionary principles which carried to their conclusion would prevent real freedom of speech, and of the press; nevertheless, I believe that freedom of speech is necessary even though abused by some incompetent editors.

The agitation for modification of the Teachers Tenure Act at this session has taken a novel turn. This year it takes the form of the inclusion of the words, "subversive or un-American teaching" as a cause for dismissal. I object, Mr. Speaker, to any newspaper or any member questioning directly or indirectly my loyalty or patriotic motives when I say that in my opinion we have today on the statute books sufficient law to dismiss any teacher who teaches subversive or un-American doctrines. The plain answer is that the people who are only directing their attacks at teachers are members of the Republican Party, who are unable to understand that teachers have been removed from political control by the Democratic Teachers Tenure Act of 1937. It is an admitted fact that the large majority of the school boards of the State are Republican controlled and I say that any instructor who inadvertently made a complimentary statement about a Democratic office holder or the principles of the Democratic Party would be subject to dismissal as "subversive."

Teachers of Pennsylvania awake yourselves to the subterfuge and "subversive" activity of the Republican Party which would return you to the group of people who must register as the politicians of the school board dictate and who must have no opinion on any subject lest it offend a board member.

It has been stated on the floor of the House by the gentleman from Delaware, Mr. Turner, that "the Democrats are trying to protect a small group of teachers who are trying to bend the wills and minds of the children in our schools." I say that the Democrats are trying to protect the children so that competent teachers honestly interpreting the Bill of Rights, the Constitution and the other fundamental principles of our government will not be forced to defend themselves from vicious attacks led by Republican controlled school boards, hungry for jobs and by pseudo patriots either unacquainted with the Constitution or willing to deny its protection to minority groups.

The gentleman from Delaware suggested last week that he has been aware of this problem for many years. In 1937 when discussing the tenure act he spoke in similar vein of his desire to include the cause of sedition as a reason for dismissal. However, when the gentleman from Delaware as Speaker of the House in 1939 session was the most important man in the Commonwealth, did he amend the Tenure Act? The answer is the gentleman did

not. And if the remarks of the gentleman from Delaware made in March 1937 are read it is apparent that his philosophy has undergone no basic change.

Again in that debate as in his statement of last week the gentleman from Delaware states that it is allright to curb the freedom of speech of some of the teachers in order to avoid the teaching of dangerous doctrines. The gentleman from Delaware said as is recorded on page 2067 of Volume 21 No. 37, on March 31, 1937 in speaking on the question of subversive teaching.

"I want to say to you that as far as I am concerned I am willing to infringe somewhat upon the freedom of speech of some of these people, if that be necessary, in order that we may not here have people who are undermining, boring and sapping into this government of ours, and into our schools, in order to teach doctrines that are subversive to our Democratic form of government that we have under our Constitution."

Now, Mr. Speaker, any weakening of or attack on or denial of free speech is a denial of the entire principle and likewise a denial of the Constitution. For who is going to judge how far the right of free speech should be curtailed and who should curtail it? It is like the eggshell, which though fragile is yet solid and perfect, but once cracked ever so slightly is completely broken and ruined.

Let me call your attention to something which I think is subversive. On November 3, 1938, Arthur H. James, then a judge of the Superior Court of Pennsylvania, in an effort to be elected Governor of this Commonwealth, sent a letter addressed to the Teachers of Pennsylvania in which he stated he favored certain principles, two of which are as follows:

Item (1) Sufficient appropriations to meet the subsidy requirements the present educational laws on the statute books.

Item (2) The basic requirements of the Edmonds Act, including increments for teachers of fourth-class school districts.

These two campaign pledges the Governor has tried to evade; does this not seem to you to shake the confidence of the fourth-class district teachers in the highest official in our State? And to make it more outrageous each of these fourth-class district teachers knows that the Governor who thus sees fit to break his promise of increments since they are not included in his budget, drew his full salary as a judge while he actually spent his time campaigning at the public expense for the Governorship. I ask you, what can be more subversive than that? What greater indictment of our Democratic system has any of us ever seen?

Mr. Speaker and fellow-members, I believe that when we teach the boys and girls to revere and respect and pay tribute to Old Glory we should honestly try to teach them the greatness of our Republic and that our actions should conform to our words. The beauty of the Stars and Stripes should not be dimmed by the broken pledges of those in high public office.

Our boys and girls in our schools should be taught to scorn those who would undermine their faith in democracy by the cheap way of making campaign pledges only to break them; to bring to public judgment dishonest public officials and those who would subvert the peoples will by such incompetence and intrigue as has been shown to exist in the Philadelphia Republican controlled registration Commission.

As that great orator Daniel Webster said, "Let our object be our country, our whole country, and nothing but our country," but let us also remember that he said "Liberty exists in proportion to wholesome restraint." The course that I urge is that of wholesale restraint not one of rash and impetuous hysteria. Webster also declared that "God grants liberty only to those who love it and are always ready to guard and defend it." The best way to guard and defend our liberties is to view with deliberation and calmness these propositions to take from the people rights reserved by the people to themselves in the Bill of Rights.

I know, Mr. Speaker and Members of the House, that it is easy to be misunderstood in such times as we live in today. But danger of possibility of being misunderstood will not justify lack of thought or the shirking of duty on our part. And our duty is to think and think clearly.

For my part, I am not ready to accept the principles of McClure of Delaware or Grundy of Bucks as the principles of Americanism. If to declare my faith in the principles uttered by those who framed the Declaration of Independence, the Bill of Rights, and the Constitution is to drink the poison hemlock of political ostracism, then, Mr. Speaker and Members of the House, I am supported and strengthened by the knowledge that ultimately these principles will prevail and that I have not failed in my duty.

REPORTS FROM COMMITTEES

Mr. THOMAS H. LEE, from the committee on Professional Licensure, reported as committed House Bill No. 1813, entitled:

An Act to amend section seven of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," permitting beauty culture schools, in certain cases, to charge for materials used by students in giving treatments to the public

Mr. FINNERTY, from the Committee on Professional Licensure, re-reported as committed House Bill No. 1096, entitled:

An Act to regulate the practice of general contracting in Pennsylvania; to establish a State Registration Board for Contractors, and to define its powers and duties; to provide the method of obtaining a certificate of registration to engage in the practice of general contracting, and to fix fees for such certificates; to dispose of the moneys raised; to provide the method of suspension and cancellation of such certificate of registration; and to prescribe the punishment for violation of the provisions of this act.

Mr. McLANAHAN, from the Committee on Counties, reported as committed, House Bill No. 1854, entitled:

An Act to further amend section three hundred eleven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising,

amending and consolidating the laws relating thereto," by protecting and regulating the retirement rights of county employes in counties of the second class who are required to enter active service with the military or naval forces of the United States.

Mr. WALTER E. ROSE, from the Committee on Counties, reported as committed, House Bill No. 1880, entitled:

An Act to add section three hundred twenty-eight to article three of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," defining the pension rights and obligations of certain employes of second class counties when by operation of law such employes become State employes.

Mr. HOLLAND, from the Committee on Military Affairs, reported as committed, House Bill No. 1816, (Senate Bill No. 1040), entitled:

An Act to further amend section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats; and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged.

Mr. MARKS, from the Committee on Highways, reported as committed, House Bill No. 1160, (Senate Bill No. 401), entitled:

An Act repealing and abandoning as a State highway, State highway route 15181 in Chester County; and providing for the reversion thereof to the township.

Mr. GRYSKEWICZ, from the Committee on Highways, reported as committed, House Bill No. 1843, (Senate Bill No. 484) entitled:

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways.

Mr. SHAFFER, from the Committee on Counties, reported as committed, House Bill No. 1898, (Senate Bill No. 934), entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor

Mr. HEATHERINGTON, from the Committee on Highways, reported as committed, House Bill No. 1808, (Senate Bill No. 463), entitled:

An Act to amend sections one and three of the act, approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 478), entitled "Conferring authority on the Department of Highways, or any county or township to enter upon private property

adjacent to any public road or highway, and place thereon snow fence, between November first and April first of the succeeding year; providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highway to the owner of adjacent property; and repealing certain acts," by including the Pennsylvania Turnpike Commission.

Mr. HAMILTON, from the Committee on Counties, reported as committed, House Bill No. 1845, (Senate Bill No. 1015), entitled:

An Act authorizing and directing the county treasurers of the several counties in the Commonwealth of Pennsylvania to provide and maintain an index or indexed record of the several sales of property in their several counties for delinquent taxes and providing that the reasonable cost thereof shall be borne by the several counties.

Mr. TROUT, from the Committee on Highways reported as committed, House Bill No. 1553 (Senate Bill No. 557), entitled:

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations, and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

Mr. EDWIN F. THOMPSON, from the Committee on Highways, reported as amended, House Bill No. 491, (Senate Bill No. 145), entitled:

An Act to amend further section fourteen of an act, approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 106), entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as reenacted and amended, by conferring additional powers on the Department of Highways.

Mr. WATKINS, from the Committee on Highways, reported as amended, House Bill No. 1859, (Senate Bill No. 344), entitled:

An Act to amend further section five of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads, highways and bridges" as amended by permitting the maximum width of a public road to be two hundred feet when the right of way is acquired by the Federal Government and providing for the cost of relocating public service facilities.

Mr. PAUL A. BRUNNER, from the Committee on High-

ways, re-reported as committed, House Bill No. 1692, (Senate Bill No. 465), entitled:

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages.

Mr. GRYSKEWICZ, from the Committee on Mines and Mining, re-reported as amended, House Bill No. 1462, entitled:

An Act to regulate the locating, drilling, casing, filling and abandoning of natural gas and petroleum wells on property underlaid with workable bituminous coal beds, having for its object the protection of life and property, by preventing intrusion of oil and gas therefrom into coal mines in territory containing workable coal beds and conferring powers and imposing duties upon the Department of Mines and providing penalties.

Mr. SHAW, from the Committee on Welfare, reported as committed, House Bill No. 1781, (Senate Bill No. 555), entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

BILL ON FIRST READING

Mr. SHAW asked and obtained unanimous consent for House Bill No. 1781, (Senate Bill No. 555), to be read for the first time.

Agreeably to order

The House proceeded to the first reading and consideration of House Bill No. 1781, (Senate Bill No. 555), entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 3:30 p.m. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 3:30 p.m.

The SPEAKER (Elmer Kilroy) in the Chair.

REPORT FROM COMMITTEE

Mr. McFALL, from the Committee on Agriculture, reported as committed, House Bill No. 1842, (Senate Bill No. 1102), entitled:

An Act to further amend the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," by providing for the licensing by the Department of Agriculture of persons copartnerships associations and corporations engaged in the business of breaking eggs and separating the contents thereof for any purpose; regulating the opening of eggs unfit for food; and providing for the denaturing of such eggs, authorizing the Department of Agriculture to take samples of eggs for the purpose of analysis; further regulating the right to sell or otherwise deal with eggs subjected to incubation; providing that certain violations of the act shall be punishable in summary proceedings; prescribing penalties, and repealing certain legislation.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 152.

An Act to amend section one of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 984), entitled "An act relating to transactions between a person acting on his own behalf and the same person acting jointly with others, and to make uniform the law relating thereto," by authorizing conveyances from either husband or wife to husband and wife as tenants by the entireties.

HOUSE BILL No. 650.

An Act to amend section seven of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one. (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the re-

placement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the motor license fund for the purposes of this act," as last amended, by providing for the changing of width, lines, location or grades of streets in cities of the second class, second class A and third class, by the Department of Highways without the consent of the city in which said street is located; relieving the city from liability for damages in such cases; and imposing liability for damages upon the Commonwealth of Pennsylvania.

HOUSE BILL No. 404.

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

HOUSE BILL No. 1022.

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employees directing the payment of all moneys collected into the State Treasury and providing penalties" permitting certain dogs to be brought into the Commonwealth under certain conditions for hunting purposes by holders of nonresident hunting licenses without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 389.

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Fairview State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

HOUSE BILL No. 1167.

An Act to amend section three hundred seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," changing the provisions of said act as to the right of residents to hunt and trap without a license.

HOUSE BILL No. 1083.

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

HOUSE BILL No. 1263.

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto

HOUSE BILL No. 1483.

An Act to repeal the act approved the sixteenth day of January one thousand seven hundred and ninety-nine (3 Sm Laws page 338) entitled "An act to declare Frankford Creek as public highway"

HOUSE BILL No. 1660.

An Act to amend section seven hundred and thirty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by authorizing the furnishing of certain confidential information to other states and the United States.

With the information that the Senate has passed the same without amendment.

PERMISSION TO ADDRESS HOUSE

Mr. BERTHERICK asked and obtained unanimous consent to address the House.

Just prior to recess, Mr. Speaker, I listened with rapt attention to the verbal vaporings of the gentleman from Allegheny who professes such a deep and reverend respect for the Constitution and laws of the United States of America and everything that it stands for, but at the same time loses no opportunity to rise to the defense of a group of teachers in our Commonwealth who would inoculate our children with the virus of that slimy thing called Communism. I do not have such a deep and abiding respect for the Americanism of that gentleman as does the gentleman from Lebanon, Mr. Sarge.

I cannot imagine any one who prides himself on his patriotism rising to defend that group of school teachers in our state who, as I say, inoculate our children with the virus of Communism. As I stated two weeks ago on the floor of this House the bill which would amend

the Teachers Tenure Act to make it possible to eliminate from our school system those who are teaching Communism to our children, is the most important piece of legislation before this House today. I have been trying for months, not to pass the bill, but just to get a hearing on it, and I challenge the gentleman who is the Chairman of the Committee on Education to release that bill from his Committee and get it on the floor of this House. I dare say to you, Mr. Speaker, that ninety per cent of the Members of this House will vote for it, because I dare say that ninety per cent of the membership of this House are just as interested in preserving the principles of democratic government, the principles of our Constitution, the principles of our liberty and freedom that we all admire and adore, we are just as anxious as Mr. Sarge to preserve those liberties and freedoms, and all we ask, Mr. Speaker, is that the gentleman release the bill from committee and let it be put to a vote on the floor of this House. I know that this bill will pass unanimously, because I know that the Members of this House do not want their children taught the principles of Communism.

I wonder if the Members realize, Mr. Speaker, what Communism is doing to this country? Let me read from House Report No. 153, made on February 15, 1935 by a Special Committee appointed to Investigate Subversive Activities in the United States. The report contains the following:

"The nature and extent of organized Communistic activity in the United States have been established by testimony and the objective of such activities clearly defined. Both from documentary evidence submitted to the Committee and from the frank admission of Communistic leaders (Browder and Ford, New York hearing, July 12, 1934) these objectives include:

1. The overthrow by force and violence of the Republic form of government guaranteed by Article IV, Sec. 4 of the Federal Constitution.

2. The substitution of a soviet form of government on class domination to be accomplished by abolition of elective representatives both to the legislative and executive branches as provided by Article I, by the several sections of Article II, of the same constitution, and by the fourteenth amendment.

3. The confiscation of private property by governmental decree, without the due process of law and compensation guaranteed by the fifth amendment.

4. Restricting the rights of religious freedom, freedom of speech and of the press, as guaranteed by the first amendment.

These specific purposes by Communist admission, are to be achieved not by peaceful exercise of the ballot under constitutional right but by revolutionary upheaval, by fomenting class hatred, by incitement to class warfare and by other illegal as well as legal methods."

Now, Mr. Speaker, it seems to me where we have an opportunity to prevent the teaching to our children of principles which will ultimately tear down our American system of Government there ought to be lost no opportunity to see that the children of our Commonwealth are not to be taught those principles. I ask you again, Mr. Speaker and Members of this House to release that bill from committee; get it out here on the floor of the House so that the Members on both sides of the House may vote upon it, and I know that about ninety per cent of the Members of this House know what that bill does. It certainly is not democratic, it is certainly not American

to bury in committee a bill which is wanted by a great majority of the people of Pennsylvania, and which I believe will be voted upon favorably by the vast majority of the members of this House.

Mr. Speaker, I could babble interminably; I could continue to erupt as did the gentleman from Allegheny about freedom and liberty, but I am going to ask permission of this House to have copied into the journal an outline of a publication by Rev. Philip J. Sheehan on the subject of "Communism and what it stands for." I think it is the slimiest ism that exists in the world today, and the mere fact that Russia, or the Soviet Government happens to be fighting against the other form of government, Nazziism, should not relax our vigilance in seeing that the isms do not find a foothold in the United States of America.

Mr. Speaker, I am going to ask unanimous consent to have copied into the Journal, a compilation by the Rev. Philip J. Sheehan, a Roman Catholic clergyman who has done more, probably, than any other man to prevent the spread of Communism in America.

The SPEAKER. If there is no objection the matter referred to by the gentleman will be extended on the Journal. The Chair hears none.

COMPILATION BY REV. PHILLIP J. SHEEHAN

1. The Capitalist has only an economic power over his worker, in the sense that he may pay whatever salary he pleases, and therefore exploit the worker.

2. The Communist employer (the State) exercises not only economic rights over the worker, but even judicial rights in that the employer (State) has the right to punish any of his workers. Any refusal to obey the employer in any way is interpreted as sedition which in Russia is punishable by death.

3. The so-called "freedom" to criticize even unjust or brutal conditions has had disastrous results for those who dared to criticize. Is it any wonder that resolutions are always passed unanimously? In this country Communist agitators openly advocate revolution; they openly assert that "soldiers and sailors must be won for the revolution." To make such a statement in Russia would mean instant condemnation to death. A worker in Russia goes to a labor camp if he criticizes Stalin. If he favorably mentions the name of Trotsky he may be shot.

4. When Communists prattle about freedom, remind them that the Commissar of Justice, Kvylenko, at a meeting of the Executive Central Committee, made a report on the new laws and new constitutions and said: "The methods of dictatorship remain the same, based on the implacable suppression of adversaries and on terror, and in perfect agreement with the ideas of Lenin."

5. When they preach about "freedom of the press," remind them that Article 125 of the New Constitution puts all the printing presses of the Nation in the hands of the Communist Party and forbids any individual from setting up a printing shop of his own? Were our government to interpret "freedom of the press" as it is interpreted in Russia, there would be no newspapers in this country favorable to Communism.

6. When the Communist boasts about the "freedom of labor," remind him that Article 118 gives its citizens "the right to work." That is not freedom. Freedom consists in the right not to work, or the freedom to choose where you will work and for whom you will work. You may not choose "for whom" you will work, for there is only one boss—the State. And certainly one may not choose "where" to work, since, for instance, if a man reside in the country and is unemployed he is forbidden to move to the city without special permission.

7. In Russia a man may not choose the kind of work he would perform. The State determines that! Though the Communist is free from work every sixth day, the State reserves the right to mobilize them for extra work. In six weeks an automobile factory sent 2800 of its workers "voluntarily" to carry brick on their "Subbotnik," or day off. As a matter of fact they may be called upon for "gratuitous" duties to the State "after they have finished their eight hours of industrial labor."

8. When you hear the Communist in our midst asserting the "freedom to strike," remind him again that to strike in Russia makes one an "enemy of the people." Communism preaches its doctrines in America by inciting strikes and violence, and yet exiles or murders those who strike in Russia. Communism in America forms unions "for the sake of the workers," and yet in Russia, where Communism is established, it forms unions "for the sake of the State"—the employer. The union in Russia is in the hands of the employer—the state, and they protect the state in the exploitation of its workers. The Ninth Union Congress in 1932, for example, states that "workers" organizations have for their principal objects the increase of the output of labor, the lowering of price as a result of that increased output, and the amelioration of its quality. Not a word about the rights of the worker to a living wage, or to decent living conditions. The September 1935 issue of the Moladaia Guardia states that the Soviet jails in Siberia are jammed with those who protested against Soviet working conditions. Those who refuse to work for the Communist state are shot. Concerning them the newspaper Pravda on December 11, 1932, stated "the workers must be shot, and shot, and shot."

9. In Russia they have passed a new law providing that anyone guilty of political crime may be condemned without the right of defense? Judges are appointed for only a year and they may "be recalled at any time by the Communist Party"—at any time they do not please that party. We complain about third degree methods used by our police, but in Russia they are a thousand times worse. There they stoop so low as to torture a prisoner's children before his eyes—often for the purpose of forcing false confessions. When a Soviet soldier flees across the frontier, his family—wife, mother, father, and children are punished for the crime.

10. In Russia a man has not the right to be present at his own trial, for "the case is examined and tried in the absence of parties and no appeal and no recommendations for mercy are entertained." In America the Communists praise the worker who throws a monkey-wrench into a machine. In Russia they shoot him! They do the first to "establish" liberty, and the second to "preserve" it.

11. Seventy per cent of Russian Judges have not received a primary education. In many cases they can not even write their own names. No wonder the worker Kliniova, of Stalingrad, was condemned to ten months of hard labor for having sold six pounds of bread. He did not steal it. He sold it—which was worse. Only the State can sell it. And this is called "liberty" and "democracy."

12. A farmer may have a "small private farm, (from ½ to 1.8 acres per family) but a worker has no such right. Only a worker who has distinguished himself in a particular manner and for the honor and glory of Communism is entitled to the use of an automobile. An attempt is being made to eliminate these small farms and put an end to individual farming. Farmers working their tiny plots, must also work on the collective farm.

13. In Russia "liberty" means "slavery"; "liquidation" means "murder"; "dictatorship of the proletariat" means "dictatorship over the proletariat." For a man to desire, or do, or think, anything other than what the State does is treason. The right to disagree, even in non-essentials, is denied.

OLD FORGE REPUBLICAN CLUB WELCOMED

The SPEAKER. The Chair at this time welcomes members of the Old Forge Republican Club of Lackawanna County, who are guests of Messrs. Knoble and Cordier.

PERMISSION TO ADDRESS HOUSE

Mr. LEVY asked and obtained unanimous consent to address the House.

Mr. Speaker, during yesterday's session the gentleman from Delaware, Mr. Turner, made the following statement, and I read from a transcript of the Journal, or rather from the stenographer's notes that will be inserted in the Journal. Mr. Turner had this to say, and I quote:

"I said something about philosophy and I said something about the differences in philosophy. I was not at that time referring to any particular philosophy which the gentleman from Philadelphia, Mr. Levy, might hold, if he holds any. I was merely stating that I know there was a difference between the gentleman from Allegheny, Mr. Brown, and the gentleman from Philadelphia, Mr. O'Brien, and the gentleman from Philadelphia, Mr. Levy, that by my association I knew something, I thought, of their mental approach to a subject, but I wonder what the gentleman from Philadelphia, Mr. Levy, wants us to think." "Here is an article from a Philadelphia paper the other day speaking about a meeting of the Philadelphia Local Teachers that were ousted by the A. F. of L. because the A. F. of L. said they were Communistic. This article said: 'Members of the ousted local at their meeting heard State Representative J. Harold Levy, Democrat, Philadelphia, condemn bills pending in the Legislature which would dismiss state employes and remove from relief persons advocating philosophies providing for the overthrow of the Government. He called the bills reactionary.' I am wondering what the gentleman from Philadelphia Mr. Levy wants us to think of that when he read it in the newspapers?"

Gentlemen, that is in toto what the gentleman said, and that is in essence what I intend to answer. I am a member of the Democratic party and I am a member of this Legislature. I was asked by a group of teachers, not to appear at a meeting of that union, because there was no such meeting,—I was asked to appear at a rally of citizens of the city of Philadelphia protesting the passage of House Bill No. 413 and House Bill No. 448, and that rally was scheduled on Friday last. I appeared there, Mr. Speaker, along with the President of the American Federation of Labor, Teacher's Union of the state of New Jersey and I spoke against House Bill No. 413 and I spoke against House Bill No. 448. I am happy to say that yesterday afternoon the objections that I had to House Bill No. 413 and House Bill No. 448 were removed from the bill by amendments.

I want to say to the gentleman from Delaware, if that is the kind of statement he makes on the floor, that he knows a man's philosophy because a Democratic member of the House accepts to speak at a rally opposing bills which he conscientiously opposes, then I say I am happy to oppose this philosophy trash that the gentleman from Delaware has attempted to put on this floor. And gentlemen, when I say trash, I mean it, because from the definition of an overt act which the gentleman attempted to define yesterday on the floor of the House, I am sure he cannot define the word, "philosophy." Certainly I am against the word, "philosophy"; why shouldn't I be? Does

it state in the bill who is to accept or reject the philosophy of an individual? No, it leaves that to the imagination.

As I pointed out yesterday, the secretary of some Board in Harrisburg might set up a particular philosophy in his own mind, and he might attempt to demand that all his employes live up to his definition of philosophy under the pretext that they might be fired or dismissed from employment in the Bureau.

What is philosophy, gentlemen? What is philosophy, I would ask the gentleman from Delaware? It is American philosophy to adhere to doctrines of the Republican party? It is American philosophy to adhere to the policies of the Democratic Party? Or maybe it is the proper American philosophy to follow the leadership of John J. McClure of Delaware County, I don't know. I say to you, Members of the House, that if you want to do away with the Fascist, Nazi and Communist elements in Pennsylvania, write it into a bill, and I will ask the gentleman from Delaware to prepare the bill and I will vote for it and I will not speak against it, but do not attempt by yelling anti-Naziism to sacrifice the young American girls and boys in the employment of the state who have every right to live like you and I. I say to the gentleman from Delaware he doesn't know what philosophy means, because his philosophy differs from mine; my philosophy may differ from the gentleman's from Philadelphia, Mr. O'Brien. We haven't been called, gentlemen, to vote on a bill that is anti-Red, we haven't been asked to vote on a bill that is anti-Nazi.

This House Bill No. 413 without its amendments is a dangerous disgrace to the General Assembly, because any one's philosophy might be different from that of the person in whose power it is to take or grant a position.

I say to you, Mr. Speaker, coming back to the inference that the gentleman made concerning the Teacher's Union in Philadelphia, let me say to him and to the Members of the House that not only Mr. Harkins of Allegheny County, but I also want to direct my remarks to the gentleman from Delaware, Mr. Bretherick, who is a friend of mine; there are sufficient laws on the statute books of Pennsylvania to fire every Communist teacher in the Commonwealth of Pennsylvania, and I am going to prove to you why there is such a law and how it was created.

I wonder if the gentleman from Delaware remembers the name of one Bessie R. Burchett, teacher in the South Philadelphia High School for girls? I want to read this into the record, Miss Burchett in 1938 had this to say—and she has written an article in the Women's Clubs of Pennsylvania Magazine, "Every Woman". Miss Burchett denounced the teaching of sex hygiene in the schools, and she said it was dangerous to the womanhood of America and particularly, Mr. Speaker, she said it was dangerous to the people of the Commonwealth of Pennsylvania.

Who is Bessie Burchett? Bessie Burchett was a teacher in the South Philadelphia High School for girls who openly, without fear of prosecution, taught Naziism and Fascism in the Philadelphia High School. What happened to her? That I am going to tell you later, but what did the Republican Women's of Pennsylvania Magazine have to say about the article of Bessie Burchett on sex hygiene? I'll tell you what they said on the back of the magazine: "The editors of the Tocsin express their appreciation to Dr. Burchett for her contribution on Page 10 of the

January 1938 issue." What did they further say? They said: "The Tocsin extends its hearty thanks and sincere appreciation to all the kind contributors who are making our magazine what it is, especially Senator Arthur H. Vandenberg of Michigan, Mr. Dupont, the National Association of Manufacturers, Mrs. Philips K. Parker, Vice President of the Virginia State Republican Committee and Dr. Burchett."

Now, why did they compliment Dr. Burchett? They said in commenting on her: "We extend our hearty thanks and sincere appreciation to Dr. Burchett for her fearless setting forth of the dangers that we are developing around our growing girls, the next generation of women in Pennsylvania."

Do you know what happened to Dr. Burchett, gentlemen of the House? She openly advocated what I told you as she did, and the Board of Education in Philadelphia through the Teachers' Tenure Act, through the very Tenure Act that the gentleman from Delaware wishes to destroy, fired her, and they had cause for doing it, and she is no longer a teacher in the South Philadelphia High School for girls.

Now, what about the Communists in the school system? Why doesn't the Board of Education fire them? If you could fire a person teaching Naziism, and I say that Naziism is just as terrible and just as vicious, and I laud the remarks of the gentleman from Delaware, Mr. Bretherick, then why cannot we dismiss the Communists under the Teachers' Tenure Act? Do you know why? The gentleman from Delaware knows why we cannot; it is because the Board of Education under three separate investigations could not find any teacher in Philadelphia who taught Communism. And this afternoon in the solemnity of this hall I ask the gentleman from Delaware, Mr. Turner, if that is what he said, that if there are Communist teachers in Philadelphia then why doesn't the Board of Education get something on them? I know of no Communist teachers. I have a little sister fifteen years old who goes to the Kensington High School for girls, just graduated from the Penn Treaty High School, and she had a teacher in English who happened to be a member of this union, and that child didn't come home and talk Communism; that child came home humming, "God bless America."

I say to the gentleman from Delaware, he made charges, he said there are Communist teachers that are getting their roots into our system. I say to him it is his sworn duty to place those incidents and instances before the Board of Public Education, and if he does not, I say to him he then becomes derelict in his duty.

Gentlemen, House Bill 413, as the gentleman from Allegheny so ably pointed out yesterday, is not the passage of speeches, it is the passage of law. We do not want to hear those flag waving and Red baiting speeches, at least I do not, and I am not a Communist. I love America and everything it holds dear, but I am not going to listen to red-baiting speeches without the facts. If there are Communists in Philadelphia in the school system, the Tenure Act takes care of them. The only reason the Tenure Act has not taken care of them now—and it is a matter of record—is that Dr. Stafford, along with Add B. Anderson, secretary of the school system of Philadelphia made an investigation, and they exonerated all these people; they are not teaching Communism in the schools;

but I say if there is one among them, he should be properly punished, and it is the duty of the gentleman from Delaware to tell us where he or she is.

Now, Mr. Speaker, I agree with the gentleman from Delaware, Mr. Bretherick. He said we ought to hold dear the American ideals and principles, and if we do, then we have a right to oppose certain bills that we feel are un-American, and I say to the gentleman from Delaware, Mr. Turner, I attended this rally, I am proud of it, I didn't see any Peace signs in the hall of this great amphitheater; I didn't see any Hammer and Sickles posted along the walls. I didn't hear any Communists making any speeches, and I say that five or six or seven hundred teachers and their friends did attend this rally to show their protest against House Bill 413 and House Bill 448. If that is Communism, then I say, Mr. Speaker, we ought to end our careers as members of the Legislature. If that is Communism then I don't know what the word means, and I think I can define Communism. I say to the gentleman from Delaware he erred when he inferred to this House that because a man journeyed to a rally and discussed his own feelings about a bill that is before his Legislature, he erred in making those inferences, and I say to you, Mr. Speaker, that is the American way. I am grateful for the opportunity and the time in these closing days of the Session, to make this statement.

BILLS INTRODUCED AND REFERRED

By Mr. JEFFERSON

HOUSE BILL No. 1931.

An Act requiring all persons operating motor vehicles on the public highways of the Commonwealth of Pennsylvania, to stop and render reasonable assistance when so requested by a peace officer, to all persons injured on or near such public highways; providing for the reimbursement to such operators for property damage sustained by them while rendering such assistance; and imposing penalties.

Referred to the Committee on Highways.

By Mr. WILLIAMS

HOUSE BILL No. 1932.

An Act to further amend section three of article five, of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith," by requiring fire bosses to include all places adjacent to working places in the examination made during working hours and in the report thereof.

Referred to the Committee on Mines and Mining.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 726 (HOUSE BILL No. 1933).

An Act to provide for two additional law judges of the Court of Common Pleas of the Fifth Judicial District.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1256 (HOUSE BILL No. 1934).

An Act authorizing the Department of Property and

Supplies with the approval of the Governor to sell and convey certain plots of land.

Referred to the Committee on State Government.

BILL INTRODUCED AND REFERRED

By Messrs. IMBRIE and YESTER HOUSE BILL No. 1935

An Act to further amend clause six of section one and section three of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain said funds; imposing powers and duties upon the heads of departments in which state employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by further defining "State employee" so as to include certain employees of the Board of Fish Commissioners and the Pennsylvania Game Commission; providing that such employees shall have the option of joining the State Employees Retirement Association; and permitting their membership in such association to be retroactive upon the making of certain back payments by them and by the Board of Fish Commissioners and the Pennsylvania Game Commission.

Referred to the Committee on State Government.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, the article which I read from the newspaper yesterday must have pinched pretty hard: The gentleman from Philadelphia, Mr. Levy, errs in his statement when he connects what I said about philosophy with the statement which I read from the newspaper. What I said about philosophy was in reply to a statement made by the gentleman from Allegheny, Mr. Brown, in which he said you couldn't tell about a man's philosophy. I said I thought from my association in this House that I knew the philosophy of the gentleman from Allegheny, Mr. Brown, and that I knew that was a different philosophy from that of the gentleman from Philadelphia, Mr. Levy, and of the gentleman from Philadelphia, Mr. O'Brien, and if I by that inference led any one to believe that I thought there was any similarity in the philosophies of the gentleman from Philadelphia, Mr. Levy, and of the gentleman from Philadelphia, Mr. O'Brien, I wish to apologize to the gentleman from Philadelphia, Mr. O'Brien.

The gentleman from Philadelphia, Mr. Levy, has said that I do not know the definition of philosophy. I think any of us can give a homespun definition of philosophy, but yesterday I sent to the desk for Webster's dictionary, and I looked up the definition of philosophy, because I hoped that therein I might find something that I might apply to the gentleman from Philadelphia, Mr. Levy. I might say in reading the definition of philosophy in Webster's Dictionary, which you can read by applying to the desk and getting the volume, I couldn't find anything that applied to the gentleman from Philadelphia, Mr. Levy. The gentleman from Philadelphia, Mr. Levy, has clearly shown to me that he doesn't know the de-

inition of philosophy, because he has tried to apply the definition of philosophy to what he terms the philosophy of certain individuals.

Well, I realize as I said, there is a difference of philosophy of certain individuals. I am sure that he is opposed, as he said, to the philosophy of certain individuals, and I am sure that I could not subscribe to the philosophy of David Stern, Albert Greenfield or Joseph Guffey, if they have any philosophy.

Now, the gentleman from Philadelphia seems to be worried about this meeting of these teachers and the fact that he says there are no Communists among the teachers in the schools in Philadelphia.

I think the gentleman from Allegheny, Mr. Harkins, this morning said that I had said I had spent a number of years, or had known, or had been interested for a number of years in the subject, and I distinctly remember that I referred in my remarks a few days ago to certain individuals, who, as had many organizations, been interested in this question in the schools in Philadelphia but who had never been able to get any action in the schools. But, Mr. Speaker, if the gentleman from Philadelphia can stand here on the floor of this House and try to bluff us into believing that there are no Communists in the schools of Philadelphia and he wants me definitely to prove that there are Communists among the teachers in the schools of Philadelphia, why, I will name names and state places,—I think that's what was recently said in the Senate,—by saying that the American Federation of Labor threw out a group of teachers in Pennsylvania who were organized into a branch of that union, and whom they threw out on the ground that they were Communists. Therefore, I cannot see how I need go any further in offering my evidence than by stating again, as I said yesterday, that the American Federation of Labor said there were Communists in the schools of Philadelphia.

Now then, Mr. Speaker, I will go still further, if the gentleman from Philadelphia would like me to present something in the way of evidence, by saying that I hold in my hand a letter which came to me in the mail this morning from a very eminent citizen of Philadelphia, and he addresses me this way:

"I have been intending to drop you a line for some time to say how happy I am that you are actively behind a move to curb subversive activities. I have been interested in this subject a long while, and I know of conditions in our schools in Philadelphia that are perfectly disgusting. I have had in my office the original books taken from the library of the South Philadelphia High School for girls, for instance, and have a photostat of title pages and book plates and have purchased copies of several of these books. I understand there is a bill for approximately fifty thousand dollars to be used in investigating subversive activities detrimental to the defense program. If this investigation lifts the lid off what is going on in Philadelphia schools and probably in schools all over the state, it would raise a stench that would reach to high heaven, and I hope would result among other things in forcing out of office the members of the Board of Education who are aiding and abetting and encouraging these activities."

Now, Mr. Speaker, the gentleman from Philadelphia made a lot out of the singing of, "God Bless America." Why, certainly the Communists are singing, "God bless America." Try to get them to go back to Russia! Cer-

tainly they want to stay in America. I do not mean to imply in any way that the little sister of the gentleman from Philadelphia coming home from school had any other intention than being a good American child and believing in America, but the singing of "God bless America" is also done by many of our subversive groups and by many people who certainly want to stay in America; who believe America is a great place, but just want to change it over and make it into something else.

The thing I have tried to say to the gentleman from Allegheny, Mr. Brown, and to the gentleman from Allegheny, Mr. Harkins, and the thing I am now saying to the gentleman from Philadelphia, Mr. Levy, is this, that what they are saying is what we ought to enact a law, and we to enact a law that is drawn in terms which they will approve, and not make speeches, as they say. The thing we are aiming at today is something that goes further and deeper than that. As I said yesterday, these people will not be out in the front ranks with bayonets and guns seeking to overthrow the government of the United States. Oh no, they won't be in the front line of the parade. Oh no, they wouldn't permit their names to appear in any connection in any way that would indicate they might be thrown out for seeking to overthrow the Government of the United States,—O no!

Now, what do these gentleman propose that the gentleman from Philadelphia, Mr. Levy, praises so much? What amendments did they place in the bill yesterday?

"He who hereafter advocates and actively participates by an overt act or acts in a movement proposing a change in the form of government of the United States by means not provided for in the Constitution of the United States."

What does that mean? If they had said, "or actively participates," I might have felt that they were sincere in their attempt to do something in this matter, but they didn't say, "or actively participates"; they say, "and participate." You have fotten down to the point where you must go out and advocate and actively participate. In what? In an overt act. They go over all the defense in the criminal law, which says, "an open act with a criminal intent," and they so word this that it would be impossible to get at that which those of us on this side of the House have been battling for five or six months in an attempt to reach.

I beg pardon—I see the gentleman from Allegheny, Mr. Harkins, is in the House. The gentleman from Allegheny, Mr. Harkins, has plead on two occasions in the last couple days all of the Bill of Rights, all of the freedom of speech and freedom of the press. That's the very thing behind which these people operate, that is the very thing they cry and hold up to us.

Now, we know what happens. On the other side of the water we know what happened and what they want to establish in America. We know how much freedom of the press and freedom of speech they have.

Let me read something to the gentleman from Allegheny, Mr. Harkins, who wants us to study and read, and also give him something to think about. Of course any one can quote something for his purpose; you can take a speech of Abraham Lincoln and take excerpts from it about free government, but let me tell you what Justice Oliver Wendall Holmes said in the case of Schenck vs. United States in 63 Law 50-52:

"We admit that in many places and in ordinary

times the defendants, in saying all that was said in the circular, would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. *Aikens v. Wisconsin*, 195 U. S. 194, 205, 206, 49 L. ed. 154, 159, 160, 25 Sup. Ct. Rep. 3. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater, and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. *Gompers v. Buck's Stove & Range Co.* 221 U. S. 418, 439, 55 L. ed. 797, 805, 34 L.R.A. (N.S.) 874, 31 Sup. Ct. Rep. 492. The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no court could regard them as protected by any constitutional right. It seems to be admitted that if an actual obstruction of the recruiting service were proved, liability for words that produced that effect might be enforced."

Of course I believe in freedom of speech and freedom of the press; I do not deny the right of the Communists or any other group to go into a meeting or to issue publications properly worded as to their masthead so that it shows clearly who is issuing it. I do not deny freedom of speech, if they want to preach their doctrine. We have ignored and laughed at it because we didn't think it could get any place in free America, but, my friends, that hasn't anything to do with the school teacher who is hired by this government, who is paid out of the taxpayers' pocket, who goes into our schools and teaches, not the overthrow of the government, no, they don't do it that way; they do it by planting in the child's mind those things that make them dissatisfied, those things that make them feel, that Russia has the only kind of government that is good, the only place where the people are happy, the only place where the employer looks after the good of the common man, and by planting that seed in the minds of children of twelve or thirteen or fifteen they hope to plow the ground and fertilize it so that when the time comes the seed will ripen into the revolution that they want to bring about in this country.

If that is curtailment of the freedom of speech, to say that a teacher cannot teach that sort of thing in America, then I stand indicted as being against that kind of freedom of speech, but I have here the words of Oliver Wendall Holmes, a great liberal on the Supreme Court of the United States, a man whose liberality cannot be gainsaid, a man who was on the liberal side, even in civil life, but these are times and circumstances in which we have a right to our heritage, and we have a right to hand on to our children that heritage that men fought and bled and died to give us, that heritage of freedom. There is no freedom or liberty in Communism or Fascism or Naziism. You are subjected to a minority group. You are dominated until liberty is stifled and driven away from the individual, and the last one that should get up on this floor and say anything against the fight on Communism, Naziism and Fascism is the gentleman from Philadelphia. He ought to be fighting to see that these bills are passed. The gentleman from Allegheny, Mr. Harkins, the chairman of the Education Committee, with his background and his training as a member and officer

of the Court ought to have been doing everything he could in the last five months to see that the teachers' Tenure Act is amended. If the bills before you are bills that will permit you to proceed against teachers, then why not amend the Teachers' Tenure Act so that we can keep out these teachings instead of holding it and not letting it see the light of day in this House. Why don't you do it? I'll tell you why you don't do it; I'll tell you the reason. You are trying to defend minority groups, that's the reason; not because you believe that the language of these bills is un-American, not because you believe the language of these bills cannot be enforced. If the language of these bills cannot be enforced, then how can the United States Government at the present time drive out of our defense industries the people that they say and that they know are Communists?

During the time that the Joint State Government Commission was working on the Unemployment Relief Program, we tried to make some surveys in Philadelphia as to Communism in DPA. I went to Washington frequently to talk to the Dies Committee in order that they might give us some help and some information from their files, but they would give us nothing because they said they had men in Pennsylvania working on this subject, and in the last few months in Philadelphia I have seen statements of the Dies Committee that the City of Philadelphia, among the working people, among the school teachers and the DPA employees are infested with Communism. Is that proof enough for the gentleman from Philadelphia, Mr. Levy?

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1470

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:
I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 1470, Printer's No. 677, for the purpose of amendment.
Accordingly, the original bill is herewith returned.
ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.
Mr. SARRAF. Mr. Speaker, I second the motion.
The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on the final passage of this bill?
Mr. READINGER. Mr. Speaker, I voted in the majority.
The SPEAKER. How did the gentleman from Allegheny, Mr. Sarraf, vote on the final passage of this bill?
Mr. SARRAF. Mr. Speaker, I voted in the majority.
On the question,
Will the House agree to the motion?
It was agreed to.
Mr. READINGER. Mr. Speaker, I move that the vote

by which this bill passed third reading be reconsidered.
The motion was agreed to.
On the question recurring,
Will the House agree to the bill on third reading?
Mr. SARRAF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.
The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:
Amend Section 4, page 3, line 26 by inserting after the word "Instruction" and before the word "to" the following: "for the two fiscal years beginning June first one thousand nine hundred forty-one".
Amend Section 5, page 4, line 3 by striking out at the end of the line the following: "[on the first]."
Amend Section 5, page 4, line 4 by striking out at the beginning of the line the following: "[day of June one thousand nine hundred forty-one]" and inserting in lieu thereof the following: "immediately upon final enactment."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.
On the question,
Will the House agree to the amendments?
The amendments were agreed to.
On the question,
Will the House agree to the bill on third reading as amended?
It was agreed to.
Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1513

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:
I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 1513, Printer's No. 797, for the purpose of amendment.
Accordingly, the original bill is herewith returned.
ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. DENNISON. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.
Mr. HARE. Mr. Speaker, I second the motion.
The SPEAKER. How did the gentleman from Jefferson, Mr. Dennison, vote on the final passage of this bill?
Mr. DENNISON. Mr. Speaker, I voted in the majority.
The SPEAKER. How did the gentleman from Somerset, Mr. Hare, vote on the final passage of this bill?
Mr. HARE. Mr. Speaker, I voted in the majority.
On the question,
Will the House agree to the motion?
It was agreed to.

Mr. DENNISON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. DENNISON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 15, by inserting after the word "amended" the following: "and reenacted."

Amend Section 1, page 2, line 15, by striking out after the word "the" the word "fifth" and inserting in lieu thereof the following: — — —

Amend Section 1, page 2, line 15, by striking out after the word "of" the word "May" and inserting in lieu thereof: — — —

Amend Section 1, page 2, line 16, by striking out the word "thirty-nine" and inserting in lieu thereof, "forty-one."

Amend Section 1, page 2, line 16, by striking out the numeral "76" and inserting in lieu thereof: — — —

Amend page 8, by inserting after line 8, the following: Section 2. This Act shall become effective immediately upon its final enactment.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 80

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 80, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897-1937), entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer; and prescribing penalties" by further defining "contributions" to be paid by certain employers; changing the procedure and administrative details for the determination and payment of compensation; further regulating the appointment, promotion, dismissal, suspension and furlough of civil service employees; further defining the power of, and procedure before, the board; making payments out of the Unemployment Compensation Fund subject to agreement between

the State Treasurer and the Social Security Board; and making the Administration Fund subject to certain charges.

And has appointed Messrs. Heyburn, H. I. Wilson and Coleman a committee of conference to confer with a similar committee of the House of Representatives (the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 80

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. REUBEN E. COHEN, HARKINS and TROUT.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 378

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 378, Printer's No. 619, entitled "An Act making an appropriation to the Chief Clerk of the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 300

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 300, Printer's No. 681, entitled "An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 358

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 358, printer's No. 903, entitled "An Act to further amend clauses three and four of subsection (b) of section 913 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled 'An act concerning elections including general municipal special and primary election the nomination of candidates primary and election expenses and election contests creating and defining men

ership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections by further fixing the fee for filing nomination petitions in certain cases."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 284

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 26, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 284, Printer's No. 1, entitled "An act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways."

ARTHUR H. JAMES.

APPROVAL OF RESOLUTION RETURNING HOUSE BILL No. 107

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 26, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate returning to the Governor without amendment House Bill No. 107, Printer's No. 742.

ARTHUR H. JAMES.

APPROVAL OF RESOLUTION RETURNING HOUSE BILL No. 949

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 26, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate returning to the Governor without amendment House Bill No. 949, Printer's No. 717.

ARTHUR H. JAMES.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1323

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 26, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1323, Printer's No. 984, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication together with the communication from the Governor be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1676

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 26, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1676, Printer's No. 776, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication together with the communication from the Governor be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 803

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 26, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 803, Printer's No. 905, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication together with the bill be laid on the table.
The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 869

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 26, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor

House Bill No. 869, Printer's No. 293, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication together with the bill be laid on the table. The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 251

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 251, Printer's No. 106, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication together with the bill be laid on the table. The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which the House non-concurred in the amendments made by the Senate to House Bill No. 567, Printer's No. 933, entitled:

An Act to reenact and amend the title and the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect, the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

be reconsidered.

Mr. LOVETT. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks Mr. Readinger, vote on the motion to non-concur?

Mr. READINGER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Lovett vote on the motion to non-concur?

Mr. LOVETT. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Foor,	Malloy,	Riley,
Allmond,	French,	Marks,	Rooney,
Auker,	Gallagher,	Maxwell,	Rose, S.,
Baker,	Gates,	McClanaghan,	Rosenfeld,
Balthaser,	Gerard,	McClester,	Rush,
Baughner,	Gillan,	McDermott,	Sarge,
Bentley,	Gillette,	McDowell,	Sarra,
Bentzel,	Goodwin,	McFall,	Scanlon,
Boles,	Greenwood,	McGrath,	Schwab,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbyshaw,	McLanahan,	Shepard,
Bretherick,	Haberlen,	McLane,	Simons,
Brunner, C. H.,	Haines,	McMillen,	Skale,
Brunner, P. A.,	Hamilton,	McSurdy,	Sollenberger,
Burns,	Hare,	Melchiorre,	Stambaugh,
Burris,	Harkins,	Mihm,	Stank,
Cadwalader,	Harris,	Monks,	Stine,
Chervenak,	Heatherington,	Mooney,	Stockham,
Cochran,	Helm,	Moran,	Tarr,
Cohen, M. M.,	Hering,	Moul,	Tate,
Cohen, R. E.,	Herman,	Muir,	Taylor,
Cook,	Hersch,	Munley,	Thompson, E. J.
Cordier,	Hewitt,	Nagel,	Trout,
Corrigan,	Hirsch,	Nunemacher,	Turner,
Croop,	Holland,	O'Brien,	Verona,
Cullen,	Imbrie,	O'Connor,	Vincent,
Dalrymple,	James,	O'Dare,	Vogt,
Dennison,	Jefferson,	O'Mullen,	Voorhees,
DiGenova,	Jones, G. E.,	O'Neill,	Watkins,
Dix,	Jones, P. N.,	Owens,	Weingartner,
Dolon,	Keenan,	Petrosky,	Weiss,
Duffy,	Kenehan,	Pettit,	Welsh, E. B.,
Early,	Kline,	Polaski,	Welsh, M. J.,
Eckels,	Knoble,	Polen,	Wilkinson,
Elder,	Koblankiewicz,	Fowers,	Williams,
Elliott,	Komorowski,	Prosen,	Winnier,
Ely,	Lee, T. H.,	Rank,	Wolf,
Falkenstein,	Lelsey,	Rausch,	Wood, L. H.,
Finestone,	Lesko,	Readinger,	Woodring,
Finnerty,	Levy,	Reagan,	Woodside,
Fisher,	Leydic,	Reese, D. P.,	Wright,
Fisler,	Lichtenwalter,	Reese, R. E.,	Yeakel,
Fleming,	Longo,	Regan,	Yester,
Fletcher,	Lovett,	Reynolds,	Young,
Flynn,	Lyons,	Rhea,	Kilroy,

Speaker

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

Mr. HOLLAND asked and obtained unanimous consent to address the House.

Mr. Speaker, it is not a surprise to sit in this House and hear the Members of the Republican party drift through the halls of this House the red herring of Con-

nism, because they are merely uttering and carrying on a propaganda that has been started by the National Association of Manufacturers. I want to read for you, members of the House, from a magazine that I know no member will call Communistic, because on its first pages it attacks different members of Congress who opposed the help and aid that we are giving to Britain.

This article is as follows:

"The National Association of Manufacturers, not content with acting as a whip for reactionary business men in the area of economics and government, has laid its heavy hand on American education. Several months ago it hired Ralph Robey, who teaches banking at Columbia to conduct a survey of un-American attitudes in school text books in the social science. Now, through the generous front page space accorded by the New York Times and other papers Mr. Robey announces his results. One gathers that they made him despair of his country, because they are derogatory of the American form of government and critical of free business enterprise.

"What are the subversive doctrines? Extracts from the curriculum are given by the New York Times. Here are some of the un-American doctrines that our high school students are learning; that there are a small number of powerful corporations in America; that there are trusts and monopolies; that there are sharp differences in living standards; that vast amounts of money are spent in advertising to break down the consumer's resistance; that the press has enormous power and speaks in general for a minority; that in actual operation the guarantees in our Bills of Rights are often infringed; that politics, especially in Delaware County is not always clean and that, most subversive of all subversive doctrines, the N A M has itself been guilty of subsidizing propaganda against social legislation.

"Yet the fact is that the N A M is placing in the hands of its members and school authorities everywhere a book containing abstracts of supposed dangerous passages from six hundred text books. What can this mean except the victimization of the more liberal, or less reactionary books? What can it mean in actual practice except a glorified burning of the text books in our free schools?

"What will happen if the N A M is allowed to have its way? Pressure will be applied by local reactionaries and intellectual vigilantes upon any school board that dares teach or mention the unfinished business of American democracy. What sort of reign of terror this will mean has already been revealed in the campaign carried on by Merwin K. Hart and others against the books of Harold Rugg. Neither the drive against Rugg nor that of the N A M is an isolated affair. They are parts of a concerted campaign to suppress free thought in the social sciences, and to turn the school system into an arm of the reactionaries in imprinting stereotypes on the minds of our children.

"When the holders of economic power in any society grow panicky because they are bewildered at the forces loose in our world, their first impulse is toward suppression of thought. They hit out against the idea whose truth they cannot face. It is well known that the N A M has in the past sought to introduce its own propaganda in our high schools textbooks. Finding their propaganda attempts not wholly successful, they now turn to censorship, and the yelling and speaking of Communism.

"To be sure, Mr. Robey speaks in lofty terms of the skepticism which is undermining the morals of our youth.

"But that is an old dodge by now. It is not hard to infer that the real intent of the N A M is to use the defense emergency to force an entrance into our educational system that it has thus far not been able

to effect. What then can be done? Our first reliance must be on what Mr. Justice Holmes called 'the competition of ideas in the market place.' Whatever may be said about particular textbooks, the school authorities have many varieties to choose from, without the intimidation of the N A M. But Mr. Robey charges that the general level of the text books is amazingly low. That may or may not be true. Who is Mr. Robey to say so? He teaches banking and has been a financial writer for the papers. We have never known him to be considered an authority of any sort on educational methods or an authority on the matters on which he is sitting in judgment."

The public had better be wise, or under the guise of finance the National Association of Manufacturers due to their yelling of Communism in our schools will destroy all the liberal social and labor reforms that have been enacted in the last eight years in America.

MR. TAYLOR IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1858, (Senate Bill No. 263), entitled:

An Act to establish a system uniform throughout the Commonwealth for the compensation of witnesses regulating the amount payment and taxation as costs thereof and repealing inconsistent legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1893, (Senate Bill No. 908), entitled:

An Act to amend section seventeen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415) entitled "An act relating to the qualification jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs thereof the effects of their acts and appeals therefrom" further regulating proceedings before the register of wills and in the orphans' court.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1829, (Senate Bill No. 171), entitled:

An Act to further amend subsection (a) of section five hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency

thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1924, (Senate Bill No. 712), entitled:

An Act to amend section one and section two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 899) entitled "An act establishing a State Highway in the County of Lebanon providing for its location construction improvement and maintenance by the Commonwealth" by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1927, (Senate Bill No. 796), entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing Route 36174 Lancaster County

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1403, entitled:

An Act creating a commission to be known as the State Tax Commission; defining in part its powers and duties in relation to taking over the duties of the Department of Revenue and the Board of Finance and Revenue; abolishing the Department of Revenue and the Board of Finance and Revenue of the Commonwealth of Pennsylvania and transferring to the State Tax Commission the records, property and equipment of the Department of Revenue and the Board of Finance and Revenue; authorizing the State Tax Commission to appear in and complete all pending proceedings instituted by, against or in the Department of Revenue and the Board of Finance and Revenue; providing that all decisions, orders and rules and regulations of the Department of Revenue and the Board of Finance and Revenue shall remain effective until repealed, changed or modified by the State Tax Commission; transferring and appropriating to the State Tax

Commission any unexpended balance of any existing appropriation to the Department of Revenue and the Board of Finance and Revenue; defining the powers and duties of the State Tax Commission in relation to the assessment of real estate for taxation, and the ascertainment of the true market value of taxable real estate for the distribution of school subsidies, and the true value of other real estate and in relation to tax statistics and budgetary procedures.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Dauphin, Mr. Taylor, for presiding.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1888, (Senate Bill No. 1186), entitled:

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen and making an appropriation.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1792, (Senate Bill No. 994), entitled:

An Act making an appropriation to the Thomas Jefferson Bicentennial Commission of Pennsylvania

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1807, (Senate Bill No. 1006), entitled:

An Act to amend Route 18033 established by amendment to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Abreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1746, (Senate Bill No. 559), entitled:

An Act prescribing additional powers and duties on the

Joint State Government Commission to make a survey of the educational facilities of the Commonwealth conferring upon the commission full power to issue subpoenas to carry out such additional functions and duties and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued imposing duties on departments and agencies of the State government and on colleges and universities and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1919, entitled:

An Act to amend sections 103 301 304 305 307 308 310 311 401 402 403 404 405 410 501 502 503 505 506 508 510 511 512 513 703 801 802 803 804 807 808 809 904 1003 and 1101 of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission enabling certain officers employees and agents to administer oaths providing the method and effect of service of certain orders and the posting of rules regulations and certain orders enabling employees of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders requiring milk dealers or handlers to be licensed stating grounds for refusal suspension revocation of licenses and the right to transfer licenses stating grounds for refusal of the right to apply for a license stating the effect of service by registered mail enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers prescribing the effective date

and term of such bonds and providing for their release providing for the increase or decrease of the amounts of bonds prescribing the effect of orders and findings of fact of the commission relating to licenses in suit or bonds providing for payment to those entitled thereto of moneys in the hands of the commission owing from dealers or handlers to producers and from subdealers or subhandlers to dealers or handlers increasing the scope of regulation of subdealers or subhandlers making certain information available to cooperatives and producers' groups clarifying the requisites of orders fixing prices for milk providing for the competency of certain statistical testimony and data providing that all provisions of price-fixing orders shall be presumed to be valid and placing the burden of proving any invalidity of any order or part thereof stating the effect of partial invalidity of price-fixing orders defining violations of orders of the commission fixing prices making milk dealers or handlers responsible for acts of their directors officers agents or other persons acting for or on behalf of them giving certain additional rights to cooperatives and producers and farmers' unions or organizations of producers of milk further regulating and imposing duties on milk dealers or handlers prescribing procedure on appeal from orders of the commission further denying and prescribing penalties defenses rights and remedies and providing for the payment of funds in the hands of the commission owing producers or dealers or handlers to those entitled thereto

The first to the thirty-first sections inclusive were separately read and agreed to.

The thirty-second section was read:

On the question,

Will the House agree to the section?

Mr. ELY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 32, page 44, line 15, by inserting a light-faced bracket before and after the word "or"

Amend Sec. 32, page 44, line 15, by inserting after the word "corporation" at the end of the line, the following: "producers' or farmers' union or organizations"

Amend Sec. 32, page 44, line 16, by striking out with light-faced brackets the word "section" and inserting in lieu thereof "act"

The amendments were not agreed to.

The section was agreed to.

The thirty-third to the thirty-sixth sections inclusive and the title were separately read and agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1890, (Senate Bill No. 823), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employees of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by other corporation associa-

tion or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts as amended by further providing for the eligibility of directors or trustee of incorporated institutions and further providing for the powers liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1819, (Senate Bill No. 784), entitled:

An Act to amend section four hundred three of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" further regulating the publication of advertisements and notices required under the provisions of said act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. Achterman.

The House resumed the consideration on second reading of House Bill No. 1209, (Senate Bill No. 1), entitled:

An Act providing that when inmates of an orphan's home or other children's institution or private home are maintained at the cost of any county other than a county of the second class or at the cost of a county institution district other than in a county of the second class and attend public school and are not legal residents of such school district the county shall pay their tuition charges and collect the same from the school district liable therefor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1098.

Mr. SARRAF. Mr. Speaker, I desire to call up the re-

port of the Committee of Conference on House Bill No. 1098, Printer's No. 1081.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1098 entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three, (Pamphlet Laws one thousand four hundred forty-nine), entitled "An act establishing a court of record in the County of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court and regulating procedure therein * * *" to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court"

Respectfully submit the following bill as our report:

J. W. CARR

JOHN F. COX

JOHN M. WALKER

(Committee on the Part of the Senate)

JOHN R. BENTLEY

GEORGE J. SARRAF

GEORGE L. COOPER

(Committee on the part of the House of Representatives)

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of

certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" is hereby amended to read as follows

Section 408 Support Orders The court may in any case make an order upon the parent or parents guardian or other relative legally responsible for the support of such child to contribute such sum for the support of the child as it may determine The court shall have power to enforce any such support order in like manner as courts of quarter sessions may enforce orders for support under the laws of this Commonwealth

Where a child is placed in a suitable family home or institution for child care not maintained by the county or State and the payment of board and other support is required in case provision is not made for such board and other support by voluntary contribution or court order on the parent or parents guardian or other relative legally responsible for the support of such child the court may shall direct that such board and the expense of clothing and necessary medical and surgical care be paid either by the city or county institution district liability to be determined on the basis of the legal settlement of the child at the time of assumption of jurisdiction of the Juvenile Court until provision is made for the placing of such child in a suitable family home without payment of board In all cases of children now being maintained in family homes or institutions for child care the judge of the Juvenile Court shall make a finding as to the legal settlement of the child at the time of assumption of jurisdiction by the Court and shall make an order effective January 1, 1942 upon the appropriate city or county institution district for the future board and other support of such child

In the case of the commitment of a child to an industrial training school or other correctional institution the court may order the county to pay for the board and clothing of and necessary medical and surgical attendance upon and the care of such child and its maintenance generally and the necessary expenses of placing and replacing the child and may fix the amount which shall be paid for the child Provided That in all cases of commitments to [houses of refuge or] industrial training schools that are not exclusively under State control or that are exclusively under State control the amount of the order for maintenance clothing instruction medical and surgical care shall be fixed according to existing legislation governing the payment of expenses of maintenance clothing instruction medical and surgical care of children committed to such institution

In all cases where the cost of board or care and maintenance of a child has been ordered paid by the city or county institution district or county [it] said city or county institution district or county shall be directly liable to the person family association society or institution having the care guidance and control of the child but the city or county institution district or county shall in all cases have full recourse to recover the amounts so paid from the person or persons or institution districts or poor district liable for the support of such child

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Foor,	Malloy,	Rooney,
Allmond,	French,	Marks,	Rose, S.,
Auker,	Gallagher,	Maxwell,	Rosenfeld,
Baker,	Gates,	McClanaghan,	Rush,
Balthaser,	Gerard,	McClester,	Sarge,

Baughner,	Gillan,	McDermott,	Sarrafi,
Bentley,	Gillette,	McDowell,	Scanlon,
Bentzel,	Goodwin,	McFall,	Schwab,
Botes,	Greenwood,	McGrath,	Shaffer,
Boney,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Bretherick,	Haberlen,	McLane,	Skale,
Brunner, C. H.,	Haines,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Stambaugh,
Burns,	Hare,	Melchiorre,	Stank,
Burriss,	Harkins,	Mihm,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatheringington,	Mooney,	Tarr,
Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Taylor,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Verona,
Croop,	Holland,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Vogt,
Dalrymple,	James,	O'Dare,	Voorhees,
Dennison,	Jefferson,	O'Mullen,	Wagner,
DiGenova,	Jones, G. E.,	O'Neill,	Watkins,
Dix,	Jones, P. N.,	Owens,	Weingartner,
Dolon,	Keenan,	Petrosky,	Weiss,
Duffy,	Kenehan,	Pettit,	Welsh, E. B.,
Early,	Kline,	Polaski,	Welsh, M. J.,
Eckels,	Knoble,	Polen,	Wilkinson,
Elder,	Kolankiewicz,	Powers,	Williams,
Elliott,	Komorowski,	Prosen,	Winner,
Ely,	Lee, T. H.,	Rank,	Wolf,
Falkenstein,	Lelsey,	Rausch,	Wood, L. H.,
Finestone,	Leonard,	Readinger,	Woodring,
Finnerty,	Lesko,	Reagan,	Woodside,
Fisher,	Levy,	Reese, D. P.,	Wright,
Fiss,	Leydic,	Reese, R. E.,	Yeakel,
Fleming,	Lichtenwaller,	Regan,	Yester,
Fletcher,	Longo,	Reynolds,	Young,
Flynn,	Lovett,	Rhea,	Kilroy,
	Lyons,	Riley,	Speaker,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1703, as follows:

An Act limiting the amount of costs of prosecution payable by persons when appeals from the payment of fines for summary convictions in counties of the first class are not sustained

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever an appeal is taken from a summary conviction in counties of the first class under which a fine is imposed and such appeal is not sustained the costs of prosecution payable by the person taking such appeal shall in no instance exceed the amount of the fine imposed by reason of the summary conviction

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—181

Achterman,	Foor,	Malloy,	Rooney,
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Allmond,	French,	Marks,	Rose, S.,
Auker,	Gallagher,	Maxwell,	Rosenfeld,
Baker,	Gates,	McClellan,	Rush,
Balthaser,	Gerard,	McClister,	Sarge,
Baughner,	Gillan,	McDermott,	Sarraf,
Bentley,	Gillette,	McDowell,	Scanlon,
Bentzel,	Goodwin,	McFall,	Schwab,
Boles,	Greenwood,	McGrath,	Shaffer,
Boney,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,
Bradley,	Habbyshaw,	McLane,	Simons,
Bretherick,	Haberlen,	McMillen,	Skale,
Brunner, C. H.,	Hamilton,	McSurdy,	Sollenberger,
Brunner, P. A.,	Hare,	Melchiorre,	Stambaugh,
Burns,	Harkins,	Mihm,	Stank,
Burris,	Harris,	Monks,	Stine,
Cadwalader,	Heatherington,	Mooney,	Stockham,
Chervenak,	Helm,	Moran,	Tarr,
Cochran,	Hering,	Moul,	Tate,
Cohen, M. M.,	Herman,	Muir,	Taylor,
Cohen, R. E.,	Hersch,	Munley,	Thompson, E. F.,
Cook,	Hewitt,	Nagel,	Trout,
Cordier,	Hirsch,	Nunemacher,	Turner,
Corrigan,	Holland,	O'Brien,	Verona,
Croop,	Imbrie,	O'Connor,	Vincent,
Cullen,	James,	O'Dare,	Vogt,
Dalrymple,	Jefferson,	O'Mullen,	Voorhees,
Dennison,	Jones, G. E.,	O'Neill,	Wagner,
DiGenova,	Jones, P. N.,	Owens,	Watkins,
Dix,	Keenan,	Petrosky,	Weingartner,
Dolon,	Kenehan,	Pettit,	Welsh, E. B.,
Duffy,	Kline,	Polaski,	Welsh, M. J.,
Early,	Knoble,	Polen,	Wilkinson,
Eckels,	Kolankiewicz,	Powers,	Williams,
Elder,	Komorowski,	Prosen,	Winner,
Elliot,	Lee, T. H.,	Rank,	Wolf,
Ely,	Leisey,	Rausch,	Wood, L. H.,
Falkenstein,	Lesko,	Readinger,	Woodring,
Finestone,	Leonard,	Reagan,	Woodside,
Finnerty,	Levy,	Reese, D. P.,	Wright,
Fisher,	Leydie,	Reese, R. E.,	Yeakel,
Fiss,	Longo,	Regan,	Yester,
Fleming,	Lovett,	Reynolds,	Young,
Fletcher,	Lyons,	Rhea,	Kilroy,
Flynn,		Riley,	Speaker.

NAYS—2

Lichtenwalter, McKinney, Welsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1603, (Senate Bill No. 169), as follows:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions county, election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents and boards of school directors and imposing penalties" abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located

shall act as a registration commission therefor further regulating the appointment of employes and assistants by the registration commission and removing the present appointees providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs towns and townships of the county providing for the transfer of the registration of electors upon change of residence from third class city borough town or township in the same county changing the period during which changes of enrollment of political party may be made eliminating preparation and distribution of preliminary street lists and permitting the destruction of certain records

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Subsections (a) and (b) of section three section four subsections (a) and (c) of section six sections seven, eight, twenty-five, twenty-seven, twenty-eight subsection (a) of section twenty-nine subsection (d) of section thirty-two sections thirty-three, thirty-four, thirty-six and forty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county, controllers, registrars of vital statistics certain public utility corporations, real estate brokers, rental agents and boards of school directors and imposing penalties" are hereby amended to read as follows:

Section 3 Definitions (a) The word "Commission" shall mean any [registration commission having jurisdiction in any city of the second class] board of county commissioners in any county within which is located a city of of the second class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commission

Section 4 Registration Commission Membership.

[Bipartisan Term of Office Vacancies Removal Compensation Oath of Office Organization Chairman Secretary] Actions by Vote of Majority of Members Record of Proceedings. [Annual Report]

(a) There shall be a registration commission [n and for each] consisting of the county commissioners in each county in which there is located a city of the second class which commission shall have jurisdiction over the registration of electors of such city and county under the provisions of this act The terms of office of the existing registration commissioners shall end as soon as this act becomes effective

[(b) The registration commission shall consist of three commissioners who shall be qualified electors of the City not more than two of whom shall be enrolled members of the same political party who shall be appointed by the Governor with the advice and consent of the Senate and shall hold office for terms of four years or until their successors qualify unless sooner removed or otherwise disqualified. Provided however That the terms of office of the commissioners first appointed by the Governor under this act shall commence upon the date of their appointment and shall expire on the first Monday of January one thousand nine hundred forty-five. Upon the appointment by the Governor of the registration commission for any [such city the terms of office of the existing registration commission or commissioners of any such city of the second class shall terminate.

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur

by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant.

(d) The Governor may at any time remove any commissioner for cause and may appoint a duly qualified elector of the city as his successor for the remainder of his term.

(e) Each commissioner shall receive compensation at the rate of four thousand five hundred (\$4500) dollars per annum except the chairman who shall receive five thousand (\$5000) dollars per annum.

(f) As soon after their appointment as may be the members of each commission shall take the oath of office required by the Constitution of this Commonwealth and shall organize by selecting from their number a chairman and a secretary who shall not be members of the same party.]

(b) The commissioners shall receive no compensation in addition to their compensation as county commissioners.

[(g)] (c) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein.

[(h)] (d) Each commission shall keep a record in permanent form of all its proceedings and shall make an annual written report to the Governor.

Section 6 Employees Registrars Inspectors of Registration Duties Appointment Incompatible Offices.

(a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same. The number and compensation of all such assistants and employes shall be fixed by the salary board of the county. The commission may [with the consent of the county commissioners] appoint employes of the county commissioners to act as such for the registration commission without any additional compensation as such. All appointments of assistants and employes made by the commission shall be divided between the majority commissioners and the minority commissioner so that as near as mathematically possible without increasing or decreasing the number of employes actually required the majority commissioners shall name two-thirds of all registrars two-thirds of all inspectors of registration and two-thirds of all other appointees and the minority commissioner shall name one-third of all the registrars one-third of all the inspectors of registration and one-third of all other appointees. The term of employment of each person now employed under the commission and having been originally appointed by the commission shall cease as of the effective date of this act.

(c) Registrars and inspectors of registration shall be qualified electors of the [city] county. No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act. Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county.

Section 7 Counsel [Compensation Duties] The commission may employ special counsel at a compensation not exceeding three thousand (\$3,000) dollars per annum. The county solicitor shall be counsel for the commission and shall receive no compensation in addition to his compensation as county solicitor. Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided.

Section 8 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations.

(a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission

and the carrying out of the provisions of this act therein including the payment of the compensation of the commissioners counsel a sufficient number of registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices accounts books stationery and other supplies which the commission shall consider necessary for the purposes of this act and for all other necessary expenses.

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties and such offices shall as soon as the county commissioners deem it practicable be joined to the offices furnished to the registration commission for boroughs towns and townships.

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of [any existing registration act or the amendments thereto] the act to which this is an amendment shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act. All money required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed.

Section 25 General Register. The duplicate registration cards for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded. [These cards shall constitute the general register of such city.] In any county where the registration cards of the second class cities are of the same type as those used in the third class cities boroughs towns and townships and in the opinion of the commission can be consolidated into one duplicate registration it shall be the duty of the commission to place the duplicate registration cards for all such cities and all boroughs towns and townships in exact alphabetical order which shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded. These cards shall constitute the general register of the second class cities or the general register of all such second class cities third class cities boroughs towns and townships as the case may be and shall not be removed from the office of the commission except under order of a court of record of the county.

Section 27 Removal Notices—(a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of [registered] electors who are registered either in any second or third class city or in any borough town or township within the county. These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write—(1) the street and number of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address or the borough town or township and the election district therein from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name. The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district. Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register for such city or for the borough town or township of his previous residence. Each removal notice

to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice.

(b) Any elector who removes his residence from one place to another within the election district must notify the commission by filing a removal notice with the commission not later than [ten] thirty days next preceding the primary or election.

Section 28 Transfer of Registration—(a) [Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration card of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary. In any case the commission shall advise the elector promptly in writing of its action. Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city or to a location in the city from an election district in a city of the third class borough town or township within the county the commission if it has previously determined by resolution that the personal registration system for the city and the system for the third class cities boroughs towns and townships are so set up that registration cards of one system may be used for the other system shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come as filed in the general and district registers of the election district of his previous residence and if the signature shall appear authentic shall enter the change of residence on his registration cards and if the removal shall have been made two months or more next preceding an election or primary shall transfer the registration card of the elector from the general register of the county or of a city of the third class to the general register of the said city and the registration card from the district register of the election district of his previous residence to the district register of the election district of his new residence in the city. If such request for transfer shows a removal within the period of two months next preceding an election or primary the commission shall transfer the registration card of the elector from the district register of his previous residence but shall not include it in the district registers of his new residence in the city until after the election or primary. In any such case the commission shall advise the elector promptly in writing of its action

[(c)] (b) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration.

[(d)] (c) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar at any registration place designated by the com-

mission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice.

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability. After Registration to Have Fact Recorded Cancellation—(a) At any time prior to the [fifteenth] thirtieth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers. In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made. If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity. When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration.

Section 32 Canvass of Registered Voters—

(d) Such special inspectors shall have and may exercise the power conferred by this act upon inspectors of registration. They shall be qualified electors of the [city] county and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs.

Section 33 Comparison and Correction of Registers— [Preliminary Street Lists—

[(a)] Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers

[(b)] Three months after each municipal election and seven months after each general election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commission shall cause to be made a sufficient number of exact copies of each such list and as soon as possible and not later than the first day of March in each even-numbered year and the first day of July in each odd-numbered year shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the city committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body [of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided]

Section 34 [Corrected] Street Lists Posting (a) Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a [corrected] street list of the names and addresses of all registered electors as of that date

resident in the district arranged by streets and house numbers [The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Said lists shall be distributed in the same manner as required for the distribution of preliminary street lists in section 33 (c) herein Two complete set of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided]

(b) The commission shall cause to be made sufficient number of exact copies of each such list and as soon as possible shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the county committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided.

Section 36 Delivery of District Registers to [County Election Boards] Election Officers (a) Not later than noon of the third day preceding an election or primary the commission shall [deliver to the county election board of the proper county the district register accurately corrected to date for each election district in order that the same may be delivered] have the district register accurately corrected to date for each election district and shall deliver the same to the election officers with other election materials for use on election day in the manner in which the county election boards now are or hereafter may be required to deliver [the same] election material Provided That the registration commission shall not deliver to the county election board the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are so delivered [to the election board]

(b) District registers when so delivered [to the county election board] shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards can not be removed by the election officer. Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward. Said binders shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery [to the county election board]

Section 40 Cancellation Removal and Preservation of Registration Cards and Records (a) Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

(b) All records which are not essential for maintaining the current status of any qualified elector may be destroyed by the commission after three years

Section 2 This act shall become effective immediately upon final enactment

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Foor,	Malloy,	Rooney,
Allmond,	French,	Marks,	Rose, S.,
Auker,	Gallagher,	Maxwell,	Rosenfeld,
Baker,	Gates,	McClanaghan,	Rush,
Balthaser,	Gerard,	McClester,	Sarge,
Baughner,	Gillan,	McDermott,	Sarraf,
Bentley,	Gillette,	McDowell,	Scanlon,
Bentzel,	Goodwin,	McFall,	Schwab,
Boles,	Greenwood,	McGrath,	Shaffer,
Boney,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Brettherick,	Haberlen,	McLane,	Skale,
Brunner, C. H.,	Haines,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Stambaugh,
Burns,	Hare,	Melchiorre,	Stank,
Burris,	Harkins,	Mihm,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatherington,	Mooney,	Tarr,
Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Taylor,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Trout,
Corrigan,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	Verona,
Croop,	Holland,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Vogt,
Dalrymple,	James,	O'Dare,	Voorhees,
Dennison,	Jefferson,	O'Mullen,	Wagner,
DiGenova,	Jones, G. E.,	O'Neill,	Watkins,
Dix,	Jones, P. N.,	Owens,	Weingartner,
Dolon,	Keenan,	Petrosky,	Wells,
Duffy,	Kenahan,	Pettit,	Welsh, E. B.,
Early,	Kline,	Polaski,	Welsh, M. J.,
Eckels,	Knoble,	Polen,	Wilkinson,
Elder,	Kolankiewicz,	Powers,	Williams,
Elliott,	Komorowski,	Prosen,	Winner,
Ely,	Lee, T. H.,	Rank,	Wolf,
Falkenstein,	Lelsey,	Rausch,	Wood, L. H.,
Finestone,	Leonard,	Readinger,	Woodring,
Finnerty,	Lesko,	Reagan,	Woodside,
Fisher,	Levy,	Reese, D. P.,	Wright,
Fiss,	Leydic,	Reese, R. E.,	Yeakel,
Fleming,	Lichtenwalter,	Regan,	Yester,
Fletcher,	Longo,	Reynolds,	Young,
Flynn,	Lovett,	Rhea,	Kilroy,
	Lyons,	Riley,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection House Bill No. 1653, Senate Bill No. 587, Printer's No. 242, and House Bill No. 1474, Senate Bill No. 365, Printer's No. 197, were passed over at the request of the Speaker.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1536, (Senate Bill No. 212), entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	French,	Marks,	Rose, S.,
Allmond,	Gallagher,	Maxwell,	Rosenfeld,
Auker,	Gates,	McClanaghan,	Rush,
Baker,	Gerard,	McClester,	Sarge,
Balthaser,	Gillan,	McDermott,	Sarraff,
Baughner,	Gillette,	McDowell,	Scanlon,
Bentley,	Goodwin,	McFall,	Schwab,
Bentzel,	Greenwood,	McGrath,	Shaffer,
Boles,	Gryskewicz,	McIntosh,	Shaw,
Boney,	Gyger,	McKinney,	Shepard,
Dower,	Habbyshaw,	McLanahan,	Simons,
Eradley,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hamilton,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hare,	Melchorre,	Stank,
Burns,	Harkins,	Mihm,	Stine,
Burris,	Harris,	Monks,	Stockham,
Cadwalader,	Heatherington,	Mooney,	Tarr,
Chervensak,	Helm,	Moran,	Tate,
Cochran,	Hering,	Moul,	Taylor,
Cohen, M. M.,	Herman,	Muhr,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Munley,	Trout,
Cook,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor,	Vogt,
Cullen,	Jmes,	O'Dare,	Voorhees,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dannison,	Jones, G. E.,	O'Neill,	Watkins,
DiGenova,	Jones, P. N.,	Owens,	Weingartner,
Dix,	Keenan,	Petrosky,	Weiss,
Dolon,	Kenehan,	Pettit,	Welsh, E. B.,
Duffy,	Kline,	Polaski,	Welsh, M. J.,
Early,	Knoble,	Polen,	Wilkinson,
Eckels,	Kolankiewicz,	Powers,	Williams,
Elder,	Komorowski,	Prosen,	Winnor,
Elliott,	Lee, T. H.,	Rank,	Wolf,
Ely,	Lelsey,	Rausch,	Wood, L. H.,
Falkenstein,	Leonard,	Readinger,	Woodruff,
Finestone,	Lesko,	Reagan,	Woodside,
Finnerty,	Levy,	Reese, D. P.,	Wright,
Fisher,	Leydic,	Reese, R. E.,	Yeakel,
Fiss,	Lichtenwalter,	Regan,	Yester,
Fleming,	Longo,	Reynolds,	Young,
Fletcher,	Lovett,	Rhea,	Kilroy
Flynn,	Lyons,	Riley,	Speaker.
For,	Malloy,	Rooney,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 566, entitled:

An Act to provide revenue by imposing a license tax on the owners of all lawful coin or token operated vending machines, devices or equipment, as herein defined, kept, possessed, used, exhibited or operated for profit; providing for the collection of said tax; imposing certain duties upon the Department of Revenue; prescribing penalties and dedicating the proceeds from such tax to the payment of appropriations for reimbursing hospitals for the cost of caring for indigent patients suffering from motor vehicles injuries

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMENDED

Mr. SARRAF. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 259, Printer's No. 964, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1573, (Senate Bill No. 30), as follows:

An Act providing for the establishment construction operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through bordering or accessible to the counties of Monroe Northampton Carbon Luzerne Lackawanna Wayne and Pike to be known as the "Rim Parkway" Providing for the creation of the Pennsylvania Parkway Commission and conferring powers and imposing duties on said commission authorizing the issuance of parkway revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such parkway providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the parkway making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such parkway shall become free providing for condemnation granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission conferring powers and imposing duties on the Department of Highways authorizing the issuance of parkway revenue refunding bonds and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Highways shall as soon as possible after the effective date of this act make surveys estimates of costs and plans for the construction of a mountain ridge road or parkway over the Pocono Mountains through or bordering or accessible to the counties of Monroe Northampton Carbon Luzerne Lackawanna Wayne and Pike from a point at or near Delaware Water Gap in Monroe County to a point at or near Bushkill in Pike County a distance of about sixty miles to be known as the "Rim Parkway"

Section 2 It shall be the plan of the parkway to avoid congested areas if possible The highway shall have as light grades as possible and shall be designed primarily for tourist traffic and passenger vehicles No intersecting highways carrying more than three hundred vehicles per day shall enter at grade level nor shall any public drive-ways of any sort be permitted to enter thereon at intervals more frequent than five miles apart at such points as the Secretary of Highways shall designate No advertisements of any sort shall be permitted to be erected along said highway or within five hundred feet thereof under any circumstances and no notices signals or directions other than those erected by the Department of Highways Bridle trails and pedestrian foot paths may be constructed and maintained as their prospective use may seem to warrant Landscaping and plantings shall be so planned that the Commonwealth's native plant life be utilized and in such a manner that trees high shrubbery or plantings will not obstruct the view of the valley side of the parkway The parkway shall be constructed

wherever possible over and through lands now owned by the Commonwealth as State forest game or fish lands

The commission hereinafter created may from time to time as it sees fit prohibit the use of the parkway by any commercial vehicle and it shall so prohibit the use thereof during the months of June July August and September by any commercial vehicles except for forest fire protection local deliveries maintenance or emergency work involving service lines or military purposes

Section 3 The Pennsylvania Parkway Commission hereinafter created is hereby authorized and empowered to construct operate and maintain the said parkway in accordance with the survey made by the Department of Highways together with connecting tunnels and bridges and to issue parkway revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such construction

Parkway revenue bonds issued under the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth but such bonds shall be payable exclusively from the fund herein provided therefor from tolls All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds The issuance of parkway revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment

Section 4 The following words and terms shall have the following meanings

(a) The word "commission" shall mean the Pennsylvania Parkway Commission hereinafter created or if said commission shall be abolished any board commission or officer succeeding to the principal functions thereof or upon whom the powers given by this act to said commission shall be given by law

(b) The word "owner" shall include all individuals copartnerships associations or corporations having any title or interest in any property rights easements or franchises authorized to be acquired by this act

(c) The word "parkway" shall mean the Rim Parkway to be constructed as hereir provided either bordering on or accessible to the Counties of Monroe, Northumberland Carbon Luzerne Lackawanna Wayne and Pike and shall be deemed to include not only the road and all tunnels and bridges and connecting roads not exceeding one thousand feet in length connected herewith but also all property rights easements franchises relating thereto and deemed necessary or convenient for the construction or operation thereof

(d) The term "cost of the parkway" shall embrace the cost of constructing the parkway and all connecting tunnels and bridges and connecting roads not more than one thousand feet in length the cost of all lands property rights easements and franchises required which are deemed necessary for such construction the cost of all machinery and equipment financing charges and interest the cost of traffic estimates and of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other than expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized the condemnation of property necessary for such construction and bridges the placing of the same in operation and the condemnation of property necessary for such construction and operation Any obligation or expense heretofore or hereafter incurred by the Department of Highways of the Commonwealth for surveys traffic surveys preparation of plans and specifications supervision of construction and other engineering services performed by the department and its agents and employes in connection with the construction of the parkway or any of the connecting tunnels and bridges shall be regarded as a part of the cost of the parkway and shall be reimbursed

to the Department of Highways out of the proceeds of the tolls collected and hereinafter authorized

Section 5 There is hereby created a commission to be known as the "Pennsylvania Parkway Commission" and by that name the commission may sue and be sued plead and be impleaded contract and be contracted with and have an official seal The commission is hereby constituted an instrumentality of the Commonwealth and the exercise by the commission of the powers conferred by this act in the construction operation and maintenance of the parkway shall be deemed and held to be an essential governmental function of the Commonwealth The commission shall consist of three members and the Secretary of Highways shall be a member ex officio The two remaining members shall be appointed by the Governor by and with the advice and consent of two-thirds of the members of the Senate and shall be residents of the Commonwealth of Pennsylvania at the time of their appointment and qualification and shall also at such time have been qualified electors therein for a period of at least one year next preceding their appointment The appointed members of the commission shall continue in office for terms of eight and ten years respectively from the dates of their appointment and until their respective successors shall be duly appointed and qualified the term of each appointed member to be designated by the Governor at the time of his appointment but their successors shall each be appointed for a term of ten years except that any person appointed to fill a vacancy shall serve only for the unexpired term and any member of the commission shall be eligible for reappointment Immediately after such appointments the members of the commission shall enter upon their duties Each appointed member of the commission before entering upon his duties shall take the oath prescribed by Article VIII of the Constitution of the Commonwealth The commission shall elect one of the appointed members as chairman of the commission and shall also elect a secretary and treasurer who may not be a member of the commission Two members of the commission shall constitute a quorum who for all purposes must act unanimously No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission Before the issuance of any parkway revenue bonds under the provisions of this act each appointed member of the commission shall execute a bond in the penalty of twenty-five thousand dollars (\$25,000) and the secretary and treasurer shall execute a bond in the penalty of fifty thousand dollars (\$50,000) each such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office which bonds shall be filed in the office of the Secretary of the Commonwealth The commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire own use hire lease operate and dispose of personal property real property and interests in real property and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act and to employ engineering traffic architectural and construction experts and inspectors and attorneys and such other employes as may be necessary in its judgment and fix their compensation Provided however That all contracts and agreements relating to the construction of the parkway and connecting tunnels and bridges shall be approved by the Department of Highways and the parkway and connecting tunnels and bridges shall be constructed under the supervision of the Department of Highways Each appointed member of the commission shall receive an annual salary of five thousand dollars (\$5,000) payable in monthly installments and each member of the commission shall be reimbursed for necessary expenses incurred in the performance of his duties All such compensation and salaries and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act All public or private property damaged

or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this act

Section 6 The commission with the approval of the Department of Highways is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient such tunnels whether wholly or partly constructed rights of ways franchises easements and other interests in lands as it may deem necessary for the construction and operation of the parkway upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the commission and the owner thereof and to take title thereto in the name of the commission

Section 7 Whenever a reasonable price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown the commission is hereby authorized and empowered to acquire by condemnation any such tunnel or tunnels whether wholly or partly constructed or interest or interests therein and any lands rights easements franchises and other property deemed necessary or convenient for the construction or the efficient operation of the parkway in the manner hereinafter provided In such event application shall be made by the commission acting through the Department of Justice or by any owner or owners to the court of common pleas of the county in which the property is located or in the case of property on the boundary line between two or more counties then in any such counties for the appointment of viewers Whereupon said court or any law judge thereof shall appoint three disinterested freeholders to view such property and estimate the value thereof None of the freeholders shall be a resident of the county wherein such application shall be made The court shall fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the property and view the same The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General and to the owner or owners if resident within said county If the owner is a corporation such notice shall be given to the president secretary or treasurer thereof if such officer resides within said county If neither owner nor any of such officers reside within the county or cannot be found therein or is unknown notice of such first meeting shall be given as the court may direct The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for the first meeting proceed to ascertain as accurately as may be the value of such tunnel land rights easements or franchises and to that end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or paper as the viewers may deem necessary If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required then the court or any judge thereof shall on application of the viewers or a quorum thereof make such order therein as may be necessary Whenever the viewers shall have ascertained the value of the tunnel lands rights easements or franchises they shall prepare a full report of their labors Upon the completion of the report the viewers shall fix a time when they shall meet and exhibit same Ten days' written notice of the time and place of such meeting together with a copy of said report shall be given to the chairman of the commission to the Attorney General and to the owner or owners of the property condemned At the time and place mentioned in such notice the viewers shall meet and publicly exhibit the report and hear all exceptions thereto After making any changes in such report as they may deem necessary the same shall be filed in the court Within thirty days after the filing of the report in the court the commission acting through the Department of Justice or any person interested may file

exceptions thereto Whereupon the court may confirm the report absolutely or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers Within thirty days after final action on the report by the court the commission acting through the Department of Justice or any person interest may demand a trial by jury From the action of the court on exceptions or from any judgment after a jury trial an appeal may be taken by any party to the Supreme or Superior Court Each of the viewers shall receive a sum not exceeding ten dollars for each day actually and necessarily employed in the performance of the duties herein prescribed and all necessary expenses actually incurred in the performance of his duties Title to any property condemned by the commission shall be taken in the name of the commission The commission shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings and shall in no event pay for the same except from the funds provided by this act and in any condemnation proceedings the court having jurisdiction of the suit action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to accept and pay for the property but such undertaking or security shall impose no liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act

In addition to the foregoing powers the commission and its authorized agents and employes may enter upon any lands waters and premises in the State for the purpose of making surveys soundings drillings and examinations as it may deem necessary or convenient for the purpose of this act and such entry shall not be deemed a trespass Provided however that the commission shall make reimbursement for any actual damages resulting to such lands waters and premises as the result of such activities

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the commission upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships political subdivisions or other municipalities may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission including real property already devoted to public use

Section 8 Whenever the commission decides to acquire any such tunnel or tunnels lands right easements and franchises or interests therein by condemnation as hereinbefore provided and has tendered a bond or other security in sufficient sum to secure the owner or owners for damages and the same has been accepted or if the acceptance of said bond has been refused and the same has been filed in and approved by the court in which such condemnation proceeding is instituted the commission shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and may enter thereon in the name of the commission If the owner lessee or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof the commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures

Section 9 The commission is hereby authorized to provide by resolution at one time or from time to time for the issuance of parkway revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the parkway which resolution shall recite an

estimate of such cost The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment The bonds shall be dated shall bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually shall mature at such time or times not exceeding forty years from their date or dates as may be determined by the commission and may be made redeemable before maturity at the option of the commission at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds Provided however That the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption The bonds may be issued in series with varying provisions, as to rates of interest maturity and other provisions not inconsistent with this act but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor The principal and interest of such bonds may be made payable in any lawful medium The commission shall determine the form of the bonds including any interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth The bonds shall be signed by the Governor and by the chairman of the commission and the official seal of the commission shall be affixed thereto and attested by the secretary and treasurer of the commission and any coupons attached thereto shall bear the facsimile signature of the chairman of the commission In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery All parkway revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth The bonds may be issued in coupon or in registered form or both as the commission may determine and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and registered and coupon bonds shall be interchangeable The commission may sell such bonds in such manner and for such price as it may determine to be for the best interests of the Commonwealth but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values The proceeds of such bonds shall be used solely for the payment of the cost of the parkway and shall be disbursed upon requisition of the chairman of the commission under such restrictions if any as the resolution authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the parkway additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued If the proceeds of the bonds shall exceed the cost of the parkway the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the commission may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter The commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost Such parkway revenue bonds may be issued without any other proceedings or the hap-

pening of any other conditions or things than those proceedings conditions and things which are specified and required by this act

Such bonds are hereby made securities in which all State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposits of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law

Section 10 All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the parkway or to the appurtenant fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds

Section 11 In the discretion of the commission such bonds may be secured by a trust indenture by and between the commission and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth Such trust indenture may pledge or assign tolls and revenue to be received but shall not convey or mortgage the parkway or any part thereof Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law including covenants setting forth the duties of the commission in relation to the acquisition of properties and the construction maintenance operation and repair and insurance of the parkway and the custody safe-guarding and application of all moneys It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the commission Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations In addition to the foregoing such trust indenture may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders All expenses incurred in carry out such trust indenture may be treated as part of the cost of maintenance operation and repair of the parkway

Section 12 The accomplishment by the commission of the authorized purposes stated in this act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity in which accomplishment the commission will be performing essential governmental functions the commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this act and the bonds or other securities and obligations issued by the commission their transfer and the income therefrom including any profits made on the sale thereof shall at all times be free from taxation within the Commonwealth

Section 13 The parkway when completed and opened to traffic shall be maintained and repaired by and under the control of the commission through the Department of

Highways of the Commonwealth and all charges and costs for such maintenance and repairs actually expended by said Department of Highways shall be paid to it by the commission upon certification thereof out of tolls. Such parkway shall also be policed and operated by such force of police toll-takers and other operating employees as the commission may in its discretion employ.

The commission is hereby authorized to (a) fix and to revise from time to time tolls for the use of the parkway and the different parts or sections thereof and to charge and collect the same except that no toll shall be collected from officers of the Departments of Forests and Waters Game and Fish or Highways operating vehicles thereon when on official business of the Commonwealth and (b) contract with any person partnership association or corporation desiring the use of any part thereof including the right of way adjoining the paved portion for placing thereon telephone telegraph electric light or power lines gas stations garages stores hotels restaurants and advertising signs or for any other purpose except for tracks for railroad or railway use and to fix the terms conditions rents and rates of charges for such use. Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the parkway if any to pay (a) the cost of maintaining repairing and operating the parkway and (b) the bonds and the interest thereon and all sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture as the same shall become due. Such tolls shall not be subject to supervision or regulation by any other State commission board bureau or agency. The tolls and all other revenues derived from the parkway except such part thereof as may be required to pay the cost of maintenance repairing and operating the parkway and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due (2) the principal of the bonds as the same shall fall due (3) the necessary fiscal agency charges for paying principal and interest and (4) any premium upon bonds retired by call or purchase as herein provided. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds or in the trust indenture but except as may otherwise be provided in such resolution or trust indenture such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another. Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds. All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued.

Section 14 The commission is hereby authorized to provide by resolution for the issuance of parkway revenue refunding bonds of the Commonwealth for the purpose of refunding any parkway revenue bonds issued under the provisions of this act and then outstanding. The issuance of such parkway revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the commission in respect to the same shall be governed by the foregoing provisions of this act in so far as the same may be applicable and by the following provisions:

(a) No parkway revenue refunding bonds shall be delivered unless delivered in exchange for parkway revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable parkway revenue bonds or parkway revenue bonds maturing or redeemable within three months including any redemption premium thereon.

(b) No parkway revenue refunding bonds shall be issued unless issued to refund parkway revenue bonds which have matured or will mature within three months or unless the interest rate of the parkway revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate borne by the parkway revenue bonds to be refunded.

Section 15 Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto and the trustee under the trust indenture if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the commission or any officer thereof including the fixing charging and collecting of tolls for the use of the parkway.

Section 16 When all bonds and the interest thereon shall have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bondholders and shall continue to be held for that purpose the parkway and the connecting tunnels and bridges shall become a part of the system of State highways and shall be maintained by the Department of Highways free of tolls and thereupon the commission shall be dissolved and all funds of the commission not required for the payment of the bonds and all machinery equipment and other property belonging to the commission shall be vested in the Department of Highways.

Section 17 The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing. Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to effect the purposes thereof.

Section 18 The sum of one hundred thousand dollars (\$100,000) or as much thereof as may be necessary is hereby appropriated out of the moneys in the Motor License Fund to the Department of Highways for the purpose of making surveys estimates of costs and plans for the construction of the parkway.

Section 19 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Foor	Malloy,	Rooney,
Allmond,	French,	Marks,	Rose, S.
Auker,	Gallagher,	Maxwell,	Rosenfeld,
Baker,	Gates,	McClanaghan,	Rush,
Balthaser,	Gerard,	McClester,	Sarge,
Baughner,	Gillan,	McDermott,	Sarra,
Bentley,	Gillette,	McDowell,	Scanlon,
Bentzel,	Goodwin,	McFall,	Schwab,
Boies,	Greenwood,	McGrath,	Shaffer,
Boney,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Bretherick,	Haberlen,	McLane,	Skale,
Brunner, C. H.,	Haines,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Stambaugh,
Burns,	Hare,	Meichlorre,	Stank,
Burtis,	Harkins,	Mihm,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatherington,	Mooney,	Tarr,

Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Taylor,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Verona,
Croop,	Holland,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Vogt,
Dalrymple,	James,	O'Dare,	Voorhees,
Dennison,	Jefferson,	O'Mullen,	Watkins,
DiGenova,	Jones, G. E.,	O'Neill,	Weingartner,
Dix,	Jones, P. N.,	Owens,	Weiss,
Dolon,	Keenan,	Petrosky,	Welsh, E. B.,
Duffy,	Kenehan,	Pettit,	Welsh, M. J.,
Early,	Kline,	Polaski,	Wilkinson,
Eckels,	Knoble,	Polen,	Williams,
Elder,	Kolankiewicz,	Powers,	Winner,
Elliott,	Komorowski,	Prosen,	Wolf,
Ely,	Lee, T. H.,	Rank,	Wood, L. H.,
Falkenstein,	Lelsey,	Rausch,	Woodring,
Finestone,	Leonard,	Readinger,	Woodside,
Finnerty,	Lesko,	Reagan,	Wright,
Fisher,	Levy,	Reese, D. P.,	Yeakel,
Fiss,	Leydic,	Reese, R. E.,	Yester,
Fleming,	Lichtenwalter,	Regan,	Young,
Fletcher,	Longo,	Reynolds,	Kilroy,
Flynn,	Lovett,	Rhea,	Speaker.
	Lyons,	Riley,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

'BILLS PASSED OVER

There being no objection House Bill No. 1216, Printer's No. 988, House Bill No. 1727, Printer's No. 957, and House Bill No. 1728, Printer's No. 958, were passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1700, (Senate Bill No. 789), entitled:

An Act to amend section eleven of the act approved a thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring the Pennsylvania Public Utility Commission the records employees property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against the Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania" by expressly providing for administration of the Public Utility Law of June first one thousand nine hundred and thirty-seven (P. L. 1053) by the Public Utility Commission and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Foor,	Malloy,	Rooney,
Allmond,	French,	Marks,	Rose, S.,
Auker,	Gallagher,	Maxwell,	Rosenfeld,
Baker,	Gates,	McClanaghan,	Rush,
Balthaser,	Gerard,	McClester,	Sarge,
Baughner,	Gillan,	McDermott,	Sarra,
Bentley,	Gillette,	McDowell,	Scanlon,
Bentzel,	Goodwin,	McFall,	Schwab,
Boies,	Greenwood,	McGrath,	Shaffer,
Boney,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Bretherick,	Haberlen,	McLane,	Skale,
Brunner, C. H.,	Haines,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Stambaugh,
Burns,	Hare,	Melchiorre,	Stank,
Burris,	Harkins,	Mihm,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatherington,	Mooney,	Tarr,
Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Taylor,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.
Cook,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Verona,
Croop,	Holland,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Vogt,
Dalrymple,	James,	O'Dare,	Voorhees,
Dennison,	Jefferson,	O'Mullen,	Watkins,
DiGenova,	Jones, G. E.,	O'Neill,	Weingartner,
Dix,	Jones, P. N.,	Owens,	Weiss,
Dolon,	Keenan,	Petrosky,	Welsh, E. B.,
Duffy,	Kenehan,	Pettit,	Welsh, M. J.,
Early,	Kline,	Polaski,	Wilkinson,
Eckels,	Knoble,	Polen,	Williams,
Elder,	Kolankiewicz,	Powers,	Winner,
Elliott,	Komorowski,	Prosen,	Wolf,
Ely,	Lee, T. H.,	Rank,	Wood, L. H.,
Falkenstein,	Lelsey,	Rausch,	Woodring,
Finestone,	Leonard,	Readinger,	Woodside,
Finnerty,	Lesko,	Reagan,	Wright,
Fisher,	Levy,	Reese, D. P.,	Yeakel,
Fiss,	Leydic,	Reese, R. E.,	Yester,
Fleming,	Lichtenwalter,	Regan,	Young,
Fletcher,	Longo,	Reynolds,	Kilroy,
Flynn,	Lovett,	Rhea,	Speaker.
	Lyons,	Riley,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 934, entitled:

An Act for the preservation of eyesight and the prevention of blindness; declaring a policy in reference thereto; conferring powers and imposing duties on the Department of Health; and prescribing qualifications for persons administering such work.

On the question,

Will the House agree to the bill on third reading?

Mr. KOLANKIEWICZ. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 3, page 3, line 11, by inserting after the word "physicians" the following: "or optometrists."

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

The amendment was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 871, (Senate Bill No. 9), as follows:

An Act concerning the permanent recordation of certain births birth certificates the issuance of copies of such certificates and prescribing the procedure therefor and enlarging the powers and duties of the Department of Health and the Bureau of Vital Statistics providing for appeals from the action of the Bureau of Vital Statistics to the Orphans' Court and imposing duties and powers on such Orphans' Court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be the duty of the Bureau of Vital Statistics of the Department of Health to issue copies of birth certificates as hereinafter recorded and in accordance with such rules and regulations as the Department of Health may promulgate from time to time for the issuance thereof

Section 2 In any case where an individual born in this Commonwealth applies for a certified copy of his or her birth certificate which birth is not at the time of such application a part of the permanent record of the Bureau of Vital Statistics of the Department of Health of the Commonwealth it shall be the duty of said Bureau to accept for recording from such person either

(1) a certified copy of a county record of birth or if it is impossible to obtain such record then

(2) a statement written in the English language signed and sworn to by the doctor or midwife in attendance at the birth of such person or if it is impossible to obtain such statement then

(3) a statement written in the English language signed and sworn to by such person accompanied by a baptismal record kept by a bona fide ecclesiastical body and certified by a priest minister or other officer of said body or if it is impossible to obtain such records then

(4) a statement written in the English language signed and sworn to by such person and by a parent or near relative of such person who has lived with the person or family and has knowledge of the facts contained in such affidavit and accompanied by other record or records satisfactory to the Bureau or if it is impossible to obtain such statement then

(5) a statement written in the English language signed and sworn to by such person and by two other persons who have had adequate means of knowledge of the facts contained in such affidavit or of the family tradition thereon Provided That such last mentioned persons need not be related by blood or marriage if they have been connected with the family so long and so intimately as to have acquired knowledge of the facts and accompanied by other record or records satisfactory to the Bureau

The said Bureau may register a birth on the basis of public or private records satisfactory to it

The following items shall be included in such statement (a) Place and date of birth including State county city borough town township or village If in a hospital or other institution the name of the same shall be given as well

as the residence of the parents and the post office address of the parents

(b) Full name

(c) Sex

(d) Whether a twin or other plural birth

(e) Whether the birth was legitimate or illegitimate

(f) Full name of father when legitimate

(g) Color or race of father

(h) Birthplace of father and age at birth of applicant if known

(i) Occupation of father if known

(j) Residence of parents if living and known

(k) Occupation

(l) Maiden name of mother

(m) Color or race of mother

(n) Birthplace of mother and age at birth of applicant if known

(o) Occupation of mother if known

(p) Number of children of this mother if known and number of children of this mother now living if known

(q) The doctor or midwife in attendance if known

(r) Such other information as may be required by the Bureau

From the information received in such statements and records the Bureau of Vital Statistics shall prepare and keep on permanent file a certificate of the birth of such person and issue copies thereof in accordance with such rules and regulations as the Department of Health shall promulgate from time to time governing the issuance of the same provided a fee of two dollars and fifty cents (\$2.50) shall first be paid to the Bureau. This fee shall be the only fee charged an applicant for an original birth certificate under the provisions of this act. The fee for the issuance of a copy of a birth certificate granted under the provisions of this act shall be one dollar (\$1.00). All applicants for birth certificates under provisions of existing legislation shall continue to pay only those fees prescribed in such legislation. In the event the Bureau of Vital Statistics shall deem the evidence adduced insufficient it shall notify the applicant for a birth certificate in writing by registered mail of its refusal to issue such certificate within thirty days after application has been made to it for such birth certificate and shall set forth in such letter the grounds for its refusal.

Section 3 Any person who shall feel himself aggrieved by the refusal of the Bureau of Vital Statistics to issue such birth certificate shall have sixty days after receipt by him of such notice or refusal to appeal to the Orphans' Court of the county in which he resides. Such appeal shall be made in accordance with the provisions now governing appeals from the decisions of the register of wills of said county and a copy of said appeal shall be served on the Bureau of Vital Statistics of the Department of Health. In the event the applicant fails to file an appeal as aforesaid after such sixty day period the decision of the Bureau of Vital Statistics shall be final. In the event an appeal is taken to the Orphans' Court the matter shall be heard de novo in the said Orphans' court and if in the opinion of the said Orphans' Court the evidence adduced is sufficient the said Orphans' Court shall order the Bureau of Vital Statistics to issue a birth certificate to the aggrieved party. The Orphans' Court shall render its decision in any such appeal within sixty days after argument has been heard thereon and its judgment shall be final.

Section 4 Any person who shall make any affidavit statement record or certification under the provisions of this Act knowing the same to be false shall upon summary conviction therefor be sentenced to pay a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100) and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) days nor more than thirty (30) days.

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed.

Section 6 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Foor	Lyons,	Rhea,
Allmond,	French,	Malloy,	Riley,
Auker,	Gallagher,	Marks,	Rooney,
Baker,	Gates,	Maxwell,	Rose, S.,
Balthaser,	Gerard,	McClanaghan,	Rosenfeld,
Baughner,	Gillan,	McClester,	Rush,
Bentley,	Gillette,	McDermott,	Sarge,
Bentzel,	Goodwin,	McDowell,	Sarra,
Boles,	Greenwood,	McFall,	Scanlon,
Boney,	Gryskewicz,	McGrath,	Schwab,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Bretherick,	Haberlen,	McLanahan,	Shepard,
Brunner, C. H.,	Haines,	McLane,	Simons,
Brunner, P. A.,	Hamilton,	McMillen,	Sollenberger,
Burns,	Hare,	McSurdy,	Stambaugh,
Burris,	Harkins,	Melchiorre,	Stank,
Cadwalader,	Harris,	Mihm,	Stine,
Chervenak,	Heatherington,	Monks,	Stockham,
Cochran,	Helm,	Mooney,	Tarr,
Cohen, M. M.,	Hering,	Moran,	Tate,
Cohen, R. E.,	Herman,	Moul,	Taylor,
Cook,	Hersch,	Muir,	Thompson, E. F.,
Cordier,	Hewitt,	Munley,	Trout,
Corrigan,	Hirsch,	Nagel,	Turner,
Croop,	Holland,	Nunemacher,	Verona,
Cullen,	Imbrie,	O'Brien,	Vincent,
Dalrymple,	James,	O'Connor,	Vogt,
Dennison,	Jefferson,	O'Dare,	Voorhees,
DiGenova,	Jones, G. E.,	O'Mullen,	Watkins,
Dix,	Jones, P. N.,	O'Neill,	Weingartner,
Dolon,	Keenan,	Owens,	Weiss,
Duffy,	Kenahan,	Petrosky,	Welsh, E. B.,
Early,	Kline,	Pettit,	Welsh, M. J.,
Eckels,	Knoble,	Polaski,	Wilkinson,
Elder,	Kolankiewicz,	Polen,	Williams,
Elliott,	Komorowski,	Powers,	Winner,
Ely,	Lee, T. H.,	Prosen,	Wolf,
Falkenstein,	Lelsey,	Rank,	Wood, L. H.,
Finestone,	Leonard,	Rausch,	Woodring,
Finnerty,	Lesko,	Readinger,	Woodside,
Fisher,	Levy,	Reagan,	Wright,
Fiss,	Leydic,	Reese, D. P.,	Yeakel,
Fleming,	Lichtenwalter,	Reese, R. E.,	Yester,
Fletcher,	Longo,	Regan,	Young,
Flynn,	Lovett,	Reynolds,	Kilroy,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1747, (Senate Bill No. 788), entitled:

An Act to amend sections one and two of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereof; and providing for the suspension of the registration of any motor vehicle, or of the operator's license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public [service] utility company law; authorizing the rescission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	French,	Marks,	Rooney,
Allmond,	Gallagher,	Maxwell,	Rose, S.,
Auker,	Gates,	McClanaghan,	Rosenfeld,
Baker,	Gerard,	McClester,	Rush,
Balthaser,	Gillan,	McDermott,	Sarge,
Baughner,	Gillette,	McDowell,	Sarra,
Bentley,	Goodwin,	McFall,	Scanlon,
Bentzel,	Greenwood,	McGrath,	Schwab,
Boles,	Gryskewicz,	McIntosh,	Shaffer,
Boney,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Shepard,
Bradley,	Haberlen,	McLane,	Simons,
Bretherick,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hamilton,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hare,	Melchiorre,	Stank,
Burns,	Harkins,	Mihm,	Stine,
Burris,	Harris,	Monks,	Stockham,
Cadwalader,	Heatherington,	Mooney,	Tarr,
Chervenak,	Helm,	Moran,	Tate,
Cochran,	Hering,	Moul,	Taylor,
Cohen, M. M.,	Herman,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Munley,	Trout,
Cook,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor,	Vogt,
Cullen,	James,	O'Dare,	Voorhees,
Dalrymple,	Jefferson,	O'Mullen,	Watkins,
Dennison,	Jones, G. E.,	O'Neill,	Weingartner,
DiGenova,	Jones, P. N.,	Owens,	Weiss,
Dix,	Keenan,	Petrosky,	Welsh, E. B.,
Dolon,	Kenahan,	Pettit,	Welsh, M. J.,
Duffy,	Kline,	Polaski,	Wilkinson,
Early,	Knoble,	Polen,	Williams,
Eckels,	Kolankiewicz,	Powers,	Winner,
Elder,	Komorowski,	Prosen,	Wolf,
Elliott,	Lee, T. H.,	Rank,	Wood, L. H.,
Ely,	Lelsey,	Rausch,	Woodring,
Falkenstein,	Leonard,	Readinger,	Woodside,
Finestone,	Lesko,	Reagan,	Wright,
Finnerty,	Levy,	Reese, D. P.,	Yeakel,
Fisher,	Leydic,	Reese, R. E.,	Yester,
Fiss,	Lichtenwalter,	Regan,	Young,
Fleming,	Longo,	Reynolds,	Kilroy,
Fletcher,	Lovett,	Rhea,	Speaker.
Flynn,		Riley,	
Foor,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

BILL PASSED OVER

There being no objection House Bill No. 1804, Senate Bill No. 1023, Printer's No. 373, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1690, (Senate Bill No. 782), entitled:

An Act to further amend subsections (a) (b) and (c) of section one thousand two hundred and one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations

and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" further providing for assessment of regulatory expenses upon public utilities

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Flynn,	Lyons,	Rhea,
Allmond,	Foor,	Malloy,	Riley,
Auker,	French,	Marks,	Rooney,
Baker,	Gallagher,	Maxwell,	Rose, S.,
Balthaser,	Gates,	McClanaghan,	Rosenfeld,
Baughner,	Gerard,	McClester,	Rush,
Bentley,	Gillan,	McDermott,	Sarge,
Bentzel,	Gillette,	McDowell,	Sarra,
Boies,	Goodwin,	McFall,	Scanlon,
Boney,	Greenwood,	McGrath,	Schwab,
Bower,	Gryskewicz,	McIntosh,	Shaffer,
Bradley,	Gyger,	McKinney,	Shaw,
Bretherick,	Habbyshaw,	McLanahan,	Shepard,
Brunner, C. H.,	Haberlen,	McLane,	Simons,
Brunner, P. A.,	Haines,	McMillen,	Skale,
Burns,	Hamilton,	McSurdy,	Sollenberger,
Burris,	Hare,	Melchiorre,	Stambaugh,
Cadwalader,	Harkins,	Mihm,	Stank,
Chervenak,	Harris,	Monks,	Stine,
Chudoff,	Heatherington,	Mooney,	Stockham,
Cochran,	Helm,	Moran,	Tarr,

Cohen, M. M.,	Hering,	Moul,	Taylor,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Trout,
Cordier,	Hewitt,	Nagel,	Turner,
Corrigan,	Hirsch,	Nunemacher,	Verona,
Croop,	Holland,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Vogt,
Dalrymple,	James,	O'Dare,	Voorhees,
Dennison,	Jefferson,	O'Mullen,	Watkins,
DiGenova,	Jones, G. E.,	O'Neill,	Weingartner,
Dix,	Jones, P. N.,	Owens,	Weiss,
Dolon,	Keenan,	Petrosky,	Welsh, E. B.,
Duffy,	Kenehan,	Pettit,	Welsh, M. J.,
Early,	Kline,	Polaski,	Wilkinson,
Eckels,	Knoble,	Polen,	Williams,
Elder,	Kolankiewicz,	Powers,	Winnier,
Elliott,	Komorowski,	Prosen,	Wolf,
Ely,	Lee, T. H.,	Rank,	Wood, L. H.,
Falkenstein,	Lelsey,	Rausch,	Woodring,
Finestone,	Lesko,	Readinger,	Woodside,
Finnerty,	Levy,	Reagan,	Wright,
Fisher,	Leydic,	Reese, David P.,	Yeakel,
Fiss,	Lichtenwalter,	Reese, R. E.,	Yester,
Fleming,	Longo,	Regan,	Young,
Fletcher,	Lovett,	Reynolds,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1577, (Senate Bill No. 561), as follows:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by amplifying and changing the powers and duties of the commission its employees and commissioners further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon providing for appeals by the commission to appellate courts changing certain provisions of said act relating to removal notices providing for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the Act approved the Thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent, personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition to their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" is hereby amended by adding thereto after clause (r) a new clause to read as follows

Section 2 Definitions

(s) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

Section 2 Clauses (a) (b) and (c) of section four of said act are hereby amended to read as follows

(a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission (2) to carry into effect the provisions of this act and to permit the efficient administration thereof (including the designation of the duties to be performed and functions to be exercised hereunder at its respective offices) and [(2)] (3) for the performance of the duties imposed [by this act] hereunder and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct direct or permit the correction of any error or any irregularity in registration to change or permit the change on the registration affidavits and its records of the name of any registered elector changed by order of a court of competent jurisdiction or by reason of her marriage or divorce and to cancel the registration of any person whom it may find to be improperly registered and to cancel the party enrollment of any registered elector whom it may find to be improperly enrolled as a member of a party subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration or enrollment is cancelled [A like notice as well as a copy of any notice served upon or left at the address of any elector with respect to his right to be registered or enrolled as a member of the political party designated by him as hereinafter provided shall be sent promptly to the city chairman of the political party of which such person was registered as a member] Notice in writing of the cancellation of the registration or enrollment of any elector as well as notice of the serving of any paper

upon or left at the address of any elector with respect to his right to be registered or enrolled as a member of the party designated by him shall be sent promptly to the city chairman of the party of which such person was or may be registered as a member if such party has headquarters within the city known to the commission

(c) The commission and any commissioner shall have power on its or his own [option] motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses and (4) to require the production of any relevant books and papers

Section 3 Clauses (a) (b) (c) (d) (g) and (h) of section five of said act are hereby amended to read as follows

(a) The commission shall have power to appoint such assistants clerks and employees (including inspectors) as from time to time it may deem necessary to carry out the provisions of this act The commission shall also have power to assign such of its assistants employees or clerks to act as registrars who shall not receive any additional compensation therefor at its office or offices as it may from time to time deem necessary and when so acting such employees or clerks shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with the law upon registrars

(b) The commission [shall in the year one thousand nine hundred thirty-seven at such time as it shall deem necessary of which due public notice shall be given appoint four registrars for each election district From and after the first day of January one thousand nine hundred thirty-eight the commission not later than the fifteenth day of August] in each year shall designate the place or places in each ward to be used as registration places and shall appoint [not less than] two or more [than four] registrars for each such registration place as it may deem necessary Not more than one-half of the number of registrars appointed [for each election district in the year one thousand nine hundred thirty-seven and] for each registration place in each [subsequent] year shall be members of the same political party [In the year one thousand nine hundred thirty-seven all] All registrars appointed shall be qualified electors of the election district or [for which they have been appointed and in all subsequent years shall be qualified electors of the] ward for which they have been appointed shall be of good moral character shall not have been convicted of any crime shall be able to read English in an intelligent manner and to write legibly and shall be familiar with qualifications of electors and duties of the registrars Such registrars shall be empowered to register the qualified electors of such election districts or wards and in so doing to administer oaths and affirmations and shall perform all other duties imposed on registrars by this act and by the registration commission

Each registrar shall receive as compensation ten dollars (\$10.00) for each day during which he is engaged in the active performance of his duties as registrar The commission shall designate the duties to be performed by each such registrar appointed by it The said registrars shall be appointed in the manner as hereinafter provided in subsection (c) of this section

[(c) In the year one thousand nine hundred thirty-seven at such time as shall be determined by the commission of which time due public notice shall be given any five or more qualified electors of any election district of the same political party and in all subsequent years not later than the twentieth day of July of each year any five or more qualified electors of any ward of the same political party may file with the commissioners their petition for the appointment of not more than two qualified persons also members of said party as registrars The petition shall set forth the name address qualifications occupation and political affiliation of each person suggested for appointment as a registrar shall give the respective residences of the petitioners and shall declare

that each of them belongs to the same party as that designated as the party of each candidate which petition shall be signed by each petitioner in his own handwriting and sworn to by one of them and by each candidate. More than one petition may be filed on behalf of the same party for each ward or district provided that no elector shall be competent to sign petitions for more than two candidates but if any candidate dies withdraws or becomes disqualified before the last day of filing petitions aforesaid any elector who recommended him may sign a petition for another candidate. All petitions shall be open to public inspection and in the year one thousand nine hundred and thirty-seven at such time as the commission may designate and not earlier than July twenty-sixth of each subsequent year the commissioners shall commence public hearings thereof considering them on consecutive week days in the numerical order of the wards and of the election districts within each ward to which they relate respectively unless reasonable cause be shown for postponing any hearing to a later time or date and reasonable notice of such postponement given to all concerned. The commissioners shall publish one general notice of the place and times or days when they will examine the candidates from the election districts of the various wards at least three days prior to the first hearing in at least two daily newspapers each having a paid circulation of at least fifty thousand copies daily in the city and shall mail to each candidate a special notice of the time and place where he will be examined regarding his qualifications at least three days before the day fixed for same except that the commissioners need not notify any candidate who had previously been appointed a registrar to appear but may reappoint him without such examination. If more candidates are duly nominated as members of any party than it is entitled to have appointed the commissioners shall appoint the candidate or candidates whom they consider most fit and if there are not sufficient fit candidates nominated on behalf of any party the commissioners may appoint any other persons without regard to party of whom they have knowledge. Any person appointed a registrar must perform his duties as prescribed by this act unless excused therefrom by the commissioners for cause shown.

(c) In each year at such time as shall be determined by the commission of which at least fifteen days notice shall be given by publishing one general notice in at least two daily newspapers each having a paid circulation of at least fifty thousand copies daily in the city the city chairman of the party having polled the highest vote in the city at the last preceding November election and the city chairman of the party having polled the second highest vote in the city at such election may file with the commission a written list of names of members of said party whom such chairman recommends for appointment as registrars. Such lists shall contain the name address qualifications and occupations of each person so recommended and shall be open to public inspection in the office of the commission. The commission shall appoint persons whose names appear on such list as the registrars representing such parties. If more candidates are recommended by the chairman of any such party than it is entitled to have appointed the commission shall appoint those candidates from the names appearing on such list whom the commission finds to be qualified in accordance with the provisions of clause (b) of this section and if there are not sufficient candidates qualified to serve recommended by any city chairman the commission may appoint such other persons whom it believes qualified.

(d) Should any vacancy occur in the office of registrar of [any election district in the year one thousand nine hundred thirty-seven or of] any registration place in any [subsequent] year by reason of death resignation removal from the district or ward or other cause the commission shall fill said vacancy by appointing an elector of the district or ward as the case may be who is qualified according to subsection (b) of this section and who is a registered and enrolled member of the same

political party as the registrar or registrars whose office was vacated. The appointment shall be made in like manner as the annual appointments of registrars as provided by this act.

(g) The registration commission shall have the power to remove any employe inspector registrar or other officer appointed or employed by it but no registrar appointed by the commission under the provisions of clause (c) of this section shall be removed except for cause.

(h) Any inspector of registration on his own motion or on complaint of any person of known responsibility [to him] may and when directed by the commission shall

1 Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within such city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment.

2 Inspect [in like manner] and copy any register of lodgers in any lodging-house inn or hotel relating to or affecting the rights of any persons to vote or to be registered in any such city.

3 Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime.

4 Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest or in the performance of any of his duties.

Section 4 Section six of said act is hereby amended to read as follows:

Section 6 Removal of Registrars (a) [Anyone claiming to be a] Any qualified elector of [this] the city may appear before the commission and show wherein any person nominated selected or appointed as a registrar does not possess the qualifications requisite for the performance of the duties of his office or has violated the provisions of this act. If after public hearing the commission shall find the charges brought by such elector to be true the commission shall decline to appoint such person or remove such registrar.

(b) The commissioners shall expect as hereinbefore provided provide [at all times] a board of registrars for each place of registration not more than one-half of whom shall be of the same [political faith] party. If [therefore] it appears at any time that by reason of a change in [political] [affiliations] affiliation or because of error in [the] appointment a board is not so divided any ten registered electors of the city [any election] [district] may file a petition with the commissioners setting forth the facts and praying that one or more of the appointments may be revoked and that other appointments may be made. Upon presentation of such a petition one of the commissioners shall fix a time not less than five days thereafter and at least three days' [notice shall be given by mail to all the registrars of such board who are alleged to be of the same [political faith] party when a public hearing shall be given all concerned and if the facts are then found to be as represented the commissioners shall [give] grant the relief [asked for] prayed for.

Section 5 Clause (b) of section eight of said act is hereby amended to read as follows:

(b) The appropriating authorities of the city shall provide the commission thereof with suitable and adequate main offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties and such other offices which it may from time to time deem advisable to establish for the convenience of the electors in exercising their rights powers and functions and performing their duties hereunder and upon failure to do so [within sixty days after the effective date of this act] the commission may lease such office space as is reasonably required for the performance of the functions and duties under this act.

Section 6 Section eleven of said act is hereby amended to read as follows

Section 11 Immunity from Arrest

[Commissioners]. Employees or clerks of the commission while acting as registrars registrars commissioners and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 7 Section thirteen of said act is hereby amended to read as follows

Section 13 Records and Documents to Be Open to Public Inspection The records of the commission and all district registers street lists voting check lists voters' certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours [at any time] except when they are [not necessarily] being used by the commission or its employees having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or an authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subjects to the further provisions of this act

Section 8 Section fourteen of said act is hereby amended to read as follows

Section 14 Watchers at Places of Registration Privileges

(a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election may recommend not more than three electors to act as watchers without expense to the county at any place of registration or any office of the commission during the time when it shall remain open for the registration of electors The commission shall appoint such persons as watchers and provide them with proper certificates stating their names and the party which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration or any office of the commission during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars clerks or employes of the commission acting as registrars commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided however That a registrar clerk or employe of the commission acting as registrar [commission or] inspector commissioner or the commission may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for each party or body of electors represented shall be allowed in a place of registration or an office of the commission at any one time unless the commission by regulation shall provide otherwise

Section 9 Clause (c) of section fifteen of said act is hereby amended to read as follows

(c) All watchers or attorneys appointed or selected in the manner provided by sub-sections (a) and (b) of this section may exercise the same rights under the same conditions at any public session or sessions of the commission as watchers at places of registration or offices of the commission open for the registration of electors

Section 10 Clauses (a) (d) and (e) of section seven of said act are hereby amended to read as follows

(a) [From and after the first day of June one thousand nine hundred and thirty-seven the] The commission [or] any commissioner employe or [clerks] clerk assigned for that purpose shall at the main office of the commission during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day and on such days and during such hours as the commission may from time to time design-

nate at other offices in the city which the commission shall from time to time have power to establish and discontinue except Sundays holidays the days hereinafter provided for the registration of electors in the districts or wards the day of each election and each primary the [thirty] fifty days next preceding each general and each primary election [and each primary] the thirty-five days next preceding each municipal or any special election not held on a day fixed for the holding of November or primary elections and the thirty days next following each election and the five days next following each primary [at the office of the commission] receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however [That in the year one thousand nine hundred and thirty-seven the commission shall arrange to have four registrars present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district of the city on at least three separate days prior to August fifteenth (one of them being in June another in July and another in August) And provided further] That in each year [thereafter] the commission may when it considers it necessary for the convenience of the electors provide one or more places of registration in each ward of the city at which two or more registrars as the commission may deem necessary shall be present to receive personal applications from persons who claim that they are entitled to be registered which registrars shall be present thereat between the hours of seven antemeridian and one postmeridian and between the hours of four and ten postmeridian on [two] such day as may be selected by the commission [in even-numbered years one to be not earlier than the sixth Saturday nor later than the fifth] [Saturday before the spring primary and the other to be] [not earlier than the sixth Saturday and not later than the fifth Saturday before the] which shall be not more than sixty days and not less than fifty days prior to each general election and primary election [and on one day in odd-numbered years not earlier than the twelfth Saturday nor later than the eleventh Saturday before the] and not more than forty days and not less than thirty-five days prior to each municipal election Provided further however That with respect to any person who shall become a citizen of the United States on a day subsequent to the sixtieth day prior to any election or primary but at least one month prior to the day of such election or primary the commission any commissioner employe or clerk assigned for that purpose shall receive personal applications from such person if he or she is otherwise qualified at the office of the registration commission until the thirtieth day prior to such election or primary during ordinary business hours except Sundays holidays and the days hereinbefore provided for the registration of electors in the districts or wards

(d) The proper city or county authorities shall furnish suitable space room or rooms in the city hall or any of its annexes or other municipal or county building under their jurisdiction or control and shall cause such space room or rooms to be open on each day when such space room or rooms may be desired by the commission for use as a place of registration or as an office of the commission Provided That such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall in reasonable time publicly announce the addresses of each place of registration each office of the commission established for the registration of electors other than [the] its main office [of the commission] and the days and hours when the place or office shall be open for the registration of electors by posting thereat and at its main office a notice thereof [at its office at such place of registration] and at least five placards or notices thereof in conspicuous places in the neighborhood of such place of registration or office and by publication at least once in a newspaper of general circulation published in the city at least three days prior to the date when the place shall be so opened and in proper order for use as a place of registration

Section 11 Clauses (a) (c) and (d) of section nineteen of said act are hereby amended to read as follows

(a) For the purpose of registering the qualified electors of the city the commission shall prepare registration cards serially numbered in duplicate or triplicate as the commission may determine and containing spaces for entering the information required by section twenty of this act and the following affidavit

Registration Affidavit

State of Pennsylvania

County of

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of

.....
Signature of Registrar

.....
Signature of Voter

c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in triplicate for such applicant for registration The commission shall provide suitable binders for filing and indexing the original and duplicate registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar and may if the commission deems it advisable keep a record by serial number of each registration card prepared by or for it showing the name ward and district of the elector if any registered upon such card and whether such registration or card has been canceled voided lost destroyed or otherwise removed from the district registers

Section 12 Clauses (a) (b) (c) (d) and (f) of section twenty of said act are hereby amended to read as follows

(a) Every person claiming the right to be registered as an elector must appear in person before the commission a commissioner a clerk or employe of the commission acting as registrar or a registrar at the main office of the commission or at such other office or place as the commission shall have designated and answer the questions required to be asked in accordance with the act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commission in permanent writing or typewriting in triplicate or duplicate as the commission may determine in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the room apartment flat or floor which he occupies (6) the length of his residence in the State and district respectively (7) His residence address when he last registered and the year of such registration such information relating to the applicant's prior registration and voting record as the commission shall by regulation deem it necessary or advisable to require (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is unable by reason of illiteracy to read the names on the

ballot or on the voting machine labels or whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance at the ensuing election and if so his declaration of that fact that his statement of the exact nature of such disability is entitled to receive assistance in voting because by reason of illiteracy he is unable to read the names on the ballot or on the voting machine label or because he has a physical disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of this fact and his statement of the exact nature of such disability (14) the designation of the political party of the elector for the purpose of voting at primaries (15) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar commissioner or clerk and dated by him (16) his height in feet and inches (17) the color of his hair (18) the color of his eyes and (19) the date of his birth or unless he claims to have been naturalized through either his father or mother or unless such date is otherwise material in the determination of citizenship a statement that he has attained his majority (20) if an elector claims naturalization through her marriage to a citizen the date and place of marriage Each registration card shall also have a sufficient number of space thereon for the insertion of [(20)] (21) the ward and election district [in which the elector resides and to which he may from time to time remove] together with his street address in [each] such district and the street address therein where he may from time to time remove and the other data required to be given upon such removal [(21)] (22) the date of each election and primary at which the elector votes and the number of stub of ballot issued or number of admission to voting machine and party at primary [(22)] (23) the signature or initials of the election officer who enters the record of voting on the card Provided however That the commission may to more effectually carry out the provisions of this act from time to time alter or change the form of registration cards the order in which the information shall be recorded thereon and provide additional spaces for the recording of such other information concerning the naturalization data of foreign born electors as it may deem necessary

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on all copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the General Registers when filed by election districts as the Districts Registers

(f) Any person employed in the service of this Commonwealth or in the service of the Federal Government and required thereby to be absent from the city wherein he resided when entering such employment his wife or her husband unless actually separated and living apart shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service and be enrolled as a member of the political party he or she designates without declaring a residence by street and number All persons employed by this Commonwealth who register in this manner shall produce a certificate from the Auditor General under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of this Commonwealth and also setting forth the nature of such employment and the time when such person first entered such employment

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper department or chief of the proper division or bureau under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of the United State and also setting forth the nature of such employment and the time when such person first entered such employment

The commission shall retain such certificates and shall cause to be noted on the registration card of each per-

son so registered the fact that such person is an employe of this Commonwealth or of the Federal Government as the case may be

Section 13 The said act is hereby amended by adding thereto after section twenty a new section to read as follows

Section 20.1 On and after the thirtieth day after the effective date of this act when the registration of an elector registered thereafter has been completed the registrar commissioner employe or clerk shall deliver to such registered elector a written or printed statement signed by such registrar commissioner employe or clerk setting forth the name and address of the elector his ward and district the fact of registration designation of party enrollment the date thereof the serial number of the elector's registration card and such other information as the commission may deem advisable Each such statement shall contain a warning to the effect that the statement relates only to the time of the issuance thereof and is not of itself evidence or proof of the elector's qualifications to vote at any election or primary Upon request made at the office of the commission by any registered elector who has been registered prior thereto the commission if satisfied that such elector is a qualified elector of the district in which he is registered shall mail or deliver such a statement of his registration to such elector

Section 14 Section twenty-one of said act is hereby amended to read as follows

Section 21 Who May Register Who May Vote Electors Need Register Only Once Exception

Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided and from and after the twentieth day of September one thousand nine hundred and thirty-seven no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered [except by order of a court of common pleas as hereinafter provided] and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address or has removed his residence to another district in the city and has filed a removal notice as provided by this act unless his registration is cancelled by the commission by reason of his failure to vote during [a] the certain period [of four years] as hereinafter provided or for any other reason under the provisions of this act

Section 15 Section twenty-three of said act is hereby amended to read as follows

Section 23 Naturalized Applicants Applicants Whose Fathers Mothers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certified copy thereof before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mother's original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father or mother was naturalized and the date of his birth indicating that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's or mother's naturalization papers or a certified copy thereof stating the reason therefor And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the date and place of their marriage the time when and the court in which such naturalization was effected and that she is unable to produce his original naturalization papers or a certified copy [of them] thereof stating the reason therefor or (b) by the production of evidence that her husband was a native born citizen of the United States or by making

affidavit of such fact stating therein the place and date of her husband's birth and the date and place of their marriage Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 16 Section twenty-five of said act is hereby amended to read as follows

Section 25 Appeal of Rejected Applicant Any person whose application to be registered has been denied by a registrar clerk or by a commissioner may file a petition with the commission not later than the fifteenth day [prior to an election or primary] thereafter setting forth the ground of his complaint under oath and praying to be registered The Commission shall fix a time for a public hearing [thereof] thereon at its office not later than the tenth day [prior to the election or primary] after the filing of the petition At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar clerk or commissioner who rejected the petitioner's application for registration In the taking of testimony the commission shall not be bound by technical rules of evidence The commission is satisfied upon competent evidence that the petitioner is entitled to be registered shall direct a registrar employe clerk or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered [The testimony presented at such hearing shall be stenographically recorded and made a part of the records of the commission The decision of the commission upon such petition shall be final and conclusive Provided however That the commission shall grant a rehearing in any case upon reasonable cause shown or where the interests of justice require it And provided further however That the said decision shall be subject to review by the court of common pleas of the county as hereinafter provided]

Section 17 Section twenty-six of said act is hereby amended to read as follows

Section 26 General Register A copy of the registration affidavits for the entire city shall be placed in visible cabinets in exact alphabetical order and visibly indexed as to name and voting record and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the general register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county wherein such city is located upon sufficient cause having been shown

Section 18 Section twenty-seven of said act is hereby amended to read as follows

Section 27 District Registers [Street List Registers] Triplicate Registration Cards

(a) [District Registers] The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order or in the order in which their residences appear upon the streets of the election district and in exact alphabetical order for each residence and visibly indexed as to name and voting record The affidavits so filed for each election district shall constitute the district register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations and to the provisions of this act

[(b) Street List Register] The triplicate registration affidavits shall be filed by election districts and within each district in the order in which their residences appear upon the streets of the election district and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations]

(b) The commission shall safely retain all triplicate registration affidavits or cards now in its custody and such as it may under the provisions of this act hereafter require to be used in the registration of electors for the same period of time as the commission is required to retain all other registration affidavits or cards and in such

order or manner as it may by regulation direct. Any such triplicate registration affidavit or card may be substituted for a lost destroyed or mislaid original or duplicate affidavit or card of the same elector on order of the commission endorsed thereon and signed by a commissioner and such triplicate affidavit or card when so substituted shall be deemed and considered for all purposes as though it shall be the original or duplicate affidavit or card as the case may be.

Section 19 Section twenty-eight of said act is hereby amended to read as follows

Section 28 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors. These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor in his residence if a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present address (4) the serial number of his registration card [(4)] (5) space wherein the elector shall sign his name and [(5)] (6) space wherein two registered electors of the district [to which he was removed] shall sign their names and addresses certifying to the truth of the statement on said notice as to his present place of residence. The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice having it witnessed as aforesaid and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district. Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register and that if he notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to have his residence address changed he shall be guilty of a misdemeanor and subject to the penalties as provided by this act. Each removal notice to be effective must be received through the mail at the office of the commission postmarked not later than the [thirtieth] fiftieth day prior to any general or primary [or] election [of which warning shall also be contained on the removal notice] and not later than the thirty-fifth day prior to any municipal election and warning of this provision shall also appear on each removal notice form.

(b) Any elector who removes his residence from one place to another within the same election district shall notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election.

Section 20 Section twenty-nine of said act is hereby amended to read as follows

Section 29 [Transfer of Registration] Recording of Change of Residence (a) Upon receipt through the mail postmarked not later than the [thirtieth] fiftieth day next preceding any general or primary [or] election or postmarked not later than the thirty-fifth day next preceding any municipal election of a signed removal notice properly filled out [or a signed request] containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the [general and district] registers and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to

the district register of the election district of his new residence. In any case the commission shall within fifteen days of the receipt by it of such notice advise the elector [promptly] in writing of its action.

(b) Provided That when a request for transfer believed authentic by the commission as aforesaid shall have been received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary. In any case the commission shall advise the elector [promptly] in writing of its action within fifteen days of the receipt by it of such request.

(c) If the commission shall doubt that the request [for transfer] is authentic it shall without transferring the registration or entering the change of residence as the case may be promptly notify the elector that it will be necessary for him to apply in person at [the] any office of the commission [for the transfer of his registration] to have the transfer or change of residence entered in the registers. (d) No elector who is unable to write his name shall be permitted to apply for [transfer of registration] the recording of his change of residence by the use of a written removal notice but each such elector must apply in person at [the] any office of the commission or before the registrars in the ward or district in which he resides on one of the days and at such time as prescribed for the registration of electors establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice. Any elector may also appear in person at any office of the commission or before the registrars in his ward or district on any of the said days and apply for the recording of his change of residence within the city in which case the signatures of two registered electors of the district shall not be required if such elector shall establish his identity and after stating under oath or affirmation the information required in a removal notice shall sign the same in the presence of a registrar clerk or commissioner who shall affix his own signature thereto as a witness.

(e) Nothing contained in this act shall be construed as to prevent any elector who after having been registered under the provisions hereof has removed his residence to another location in the city from again applying for registration at any office of the commission or before the registrars of his ward or district and being registered as an elector of the district in which he shall then reside if such elector shall then be qualified. The commission shall thereupon cancel such elector's prior registration or registrations.

Section 21 Section thirty of said act is hereby amended to read as follows

Section 30 Change of Party Enrollment Notice Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability after Registration to Have Fact Recorded Cancellation (a) The commission shall provide change of party enrollment notices which it shall cause to be available for the convenient use of registered electors. Those notices shall be printed upon cards and shall contain spaces wherein shall be recorded under oath (1) the street and number of the elector's residence (2) his ward and election district (3) the political party in which he is enrolled (4) the political party in which he desires to be enrolled (5) the signature of the elector (6) the serial number of his registration card.

(b) At any time prior to the thirtieth day next preceding [a] any primary [or an] election excepting the thirty days next following an election [and the five days next following each primary] any person who desires to

change his party enrollment or who although registered has not hitherto enrolled as member of a party shall appear at [the] any office of the commission or before the registrars in his ward or district and sign the change of party enrollment notice containing the information required by sub-section (a) of this section stating the designation of the political party in which he desires to be enrolled Provided however That no registered elector shall be permitted to change his party enrollment between any primary and the following general or municipal election nor more than once between any November election and the thirtieth day next preceding the following primary election The commission shall cause the signature thereon to be compared with the signature on the general and district registers and if the signatures appear authentic shall enter the change of enrollment of political party in the [general and district] registers unless such elector is prohibited from changing his party enrollment as foreshaid

(c) Any elector who is unable to write his name shall in addition establish his identity and shall affix his mark in lieu of his signature in the presence of a registrar clerk or commissioner who shall affix his own signature thereto as a witness to the information required in the change of party enrollment notice

(d) At any time not later than the twentieth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is not a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the said petition to him personally or by leaving it with an adult member of the family with which he resides If at or before the hearing of any such petition the elector against whom the petition is filed [appears] files an affidavit with the commission in which he [and] swears or affirms that at the last election at which he voted he voted for amajority of the candidates of the party [with] as a member of which he [was then] desires to be enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled [The testimony presented at such hearing shall be stenographically recorded and made a part of the records of the commission]

(e) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or prepare the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least seven days prior to the next succeeding primary or election personally make application under oath to the commission or [a registrar] registrars to have such fact entered on his registration affidavit together with the exact nature of his physical disability which entry shall be made accordingly

(f) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the disability stated by him [or has voted without assistance] it shall [forthwith] cancel on his registration affidavit the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of this action

Section 22 Clause (c) of section thirty-one of said act as amended by the act approved the ninth day of June one thousand nine hundred and thirty-nine (P. L. 283) is hereby further amended and clauses (d) (e) and (f) are hereby added to said section to read as follows

(c) All public service companies furnishing electricity or gas to householders in any city shall report in writing from time to time to the registration commission upon the request of the commission all cases of discontinuance of their service to residences together with the names of port in writing from time to time to the commission

the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall re-upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants and the addresses to which they have removed if known to them All persons firms and corporations operating vehicles for moving furniture and household goods in any city of the first class shall report in writing from time to time to the registration commission upon the request of the commission all cases of removals of furniture and household goods together with the names of such persons whose furniture or household goods have been removed and the addresses to which they have removed if known to them [The commission shall forthwith send to each such person who is found to be registered as an elector from the addresses given in said report and to all members of his family and household who are electors registered from the same addresses the notice provided for by section thirty-two of this act and shall proceed thereupon in accordance with the provisions of that section]

(d) The mayor of each city of the first class or other officer of such city charged with the duty of examination and licensing hotels and lodging houses under the provisions of the act approved the second day of July one thousand eight hundred and ninety-five (P. L. 428) entitled "An act to regulate and license public lodging houses in the different cities in this Commonwealth" shall at least once in every three months furnish the registration commission the names and addresses of persons partnerships firms or corporations licensed under the provisions of that act together with the names or designations and addresses of hotels and lodging houses for which licenses have been issued The registration commission may require each licensee of an hotel or lodging house to report from time to time the names of all persons who have resided in any hotel or lodging house owned or operated by such licensee for a period of two calendar months or more and to designate in such report whether or not such persons have removed and the addresses to which they have removed if known to the licensee

(e) The registration commission shall cause the information received under this section to be placed on file and retained for at least one year For this purpose the commission may in its discretion cause to be printed file cards of uniform size on which such information may be entered and from time to time corrected on the basis of new reports received by the commission

(f) Upon receipt of any report provided for in this section the commission shall forthwith cause to be sent by mail to each person so reported and to each member of his family and household who is registered under the provisions of this act a notice warning such persons that it will be necessary for them to execute and file a removal notice in order for them to be eligible to vote at ensuing elections if they continue to live in the same city Where the report lists the residence address to which such persons have removed and that residence address is located in the same city the notice together with a removal notice form shall be sent to the new residence address of such persons Where the report does not list the residence addresses to which such persons have removed it shall be sent to the last residence listed on the registration affidavit of the person reported or to the address listed on the report if they differ or to both addresses For the purpose of this subsection the commission shall cause to be printed postcards of suitable size in such manner that a removal notice in the form provided for by subsection (a) of section twenty-nine of this act shall be physically attached thereto The notice shall contain a direction to the postmaster that he is to forward the postcard or if no forwarding address is known to return the card within five days to the offices of the commission

Section 23 Section thirty-two of said act is hereby amended to read as follows

Section 32 Mail Check-up of Register (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as

it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon.

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register.

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) of this section.

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-three of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless his qualifications as an elector are proved. [The testimony taken at such time shall be stenographically recorded and made a part of the records of the commission.]

Section 24 Section thirty-four of said act is hereby amended to read as follows

Section 34 Comparison and Correction of Registers Street Lists (a) Commencing [thirty (30)] fifty days prior to each primary and each general election [or primary] and thirty-five days prior to each municipal election the commission shall compare and correct the general and district registers

(b) After the [fifth Saturday preceding the Spring primary and after the last registration day in the fall of the even-numbered years and after the fifth Saturday preceding the Fall primary in odd-numbered years] last day preceding each primary municipal and general election when electors may be registered the [registration] commission shall prepare for each election district a street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers and except before each municipal election shall cause to be made at least a hundred exact copies of such list and not later than [twenty days following the aforesaid days] fifteen days preceding each primary and general election shall distribute copies of such lists among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties bodies of electors candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the city committee of each political party or body of electors upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such a body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided. Not later than the seventh day preceding each election and primary the commission shall post or cause to be posted at each polling place in such city at a point accessible to the public one of the said

street lists to be maintained at such place until the closing of the polls on the succeeding election day.

Section 25 Section thirty-five of said act is hereby amended to read as follows

Section 35 Petitions to Strike Off Names Filing and Notice At any time not later than the twenty-fifth day preceding any election or primary any qualified elector of the city including any watcher registrar or inspector of registration [of the city] may [file his] petition [with] the commission [praying for the cancellation of] to cancel the registration of any registered elector of the city [upon such grounds as may be set forth in such petition] setting forth under oath supported by the affidavits of at least two qualified electors of the city sufficient grounds for such cancellation. One of the commissioners shall fix a time and place for a hearing thereon not later than [ten (10)] fifteen (15) days before any primary or election and the petitioners shall cause forty-eight (48) hours notice of the proceeding to be given to the person [whose registration is in question by a duly authorized employe of the commission] so registered by service by an adult person of known responsibility of a copy of the said petition with the time and place fixed for the hearing endorsed thereon either personally or by leaving a copy of the petition [with the time and place fixed for the hearing of the same endorsed thereon] so endorsed with an adult person at his place of residence as given by him and recorded in the registers if he cannot be found at the place given in the district register as his residence and upon the filing by such [duly authorized employe] person of an affidavit that the copy so endorsed has been so served by him or that there is no adult person residing at the address given the [commissioners] commission or a commissioner assigned by the commission for that purpose shall proceed with [the] a public hearing [of] on the petition.

Section 26 Section thirty-six of said act is hereby amended to read as follows

Section 36 Hearings on Petition to Strike off Names At the time so fixed the commission or commissioner assigned by the commission for that purpose shall hear testimony not being bound by technical rules of evidence and if satisfied upon competent evidence that any such person is not legally entitled to be registered shall cancel the registration of such person and amend accordingly the general street and district registers and any other records affected thereby. Provided however That the commission may without hearing cancel the registration of any such person and amend accordingly the registers and the other records affected if the petitioners shall have filed with the commission an affidavit by an adult person of known responsibility of the service of a copy of the petition as provided in section thirty-five of this act and if the person so registered was not served personally that he could not be found at the place given in the district register as his residence and that the person in charge thereof or some other person having knowledge of the names of all persons residing at the address given as such residence to be mentioned by name had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no such person is residing at the address given or an affidavit that there is no adult person residing at the address given and although due inquiry has been made no information can be obtained as to the whereabouts of the person so registered unless he shall appear and show cause why the same should not be done [shall hear testimony not being bound by technical rules of evidence and if satisfied upon competent evidence that the said person is not legally entitled to be registered it shall cancel the registration of such elector and amend accordingly the general street and district registers and any other records affected thereby. The testimony presented at such hearing shall be stenographically recorded and made a part of the records of the commission. The decision of the commission upon such petition shall be final and conclusive. Provided however That the commission shall grant a rehearing in any case

upon reasonable cause shown or where the interests of justice require it And provided further however That the said decision shall be subject to review by the court of common pleas of the county as hereinafter provided]

Section 27 Section thirty-seven of said act is hereby amended by adding thereto a new clause to read as follows

Section 37 Delivery of District Registers to Commissioners in Charge of Elections

(c) In the event that any of said district registers when so delivered shall contain the names of registered electors not contained in the street list posted in the district as required by section thirty-four (b) or shall omit names of registered electors contained in said street list then the said registers shall be accompanied by a list showing such names as were added and such names as were omitted with a brief explanation or key showing the cause for such addition or omission Such list shall remain in the polling place on election day open to public inspection One copy of such list shall be posted at the offices of the commission at the time of the delivery of the binders and shall remain posted until after the next succeeding election and one copy of such list shall be furnished to the chairman of the city committee of each party entitled to a ballot at the preceding primary

Section 28 Clause (a) of section thirty-eight of said act is hereby amended to read as follows

(a) Any person whose registration affidavit appears [name is] in the district register of any election district in [such] the city and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting bribery at elections [Provided That if] If however the signature on the voter's certificate as compared with the signature as recorded in the district register shall not be deemed authentic by any of the election officers such elector shall nevertheless not be denied the right to vote for that reason but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in [subsection] clause (e) of this section Provided however That any person applying to vote who claims that he is a duly registered and qualified elector of the election district although his registration affidavit does not appear in the district register if upon application the proper court of common pleas shall have ordered the election officers to accept such elector's vote shall be permitted to vote subject to all other requirements and provisions of this section Provided further that any such person shall be considered challenged as to identity and residence and be required to produce the evidence as provided in clause (e) of this section and provided further that such person shall also be required to swear or affirm to a special affidavit on forms furnished by the commission stating his name address the date when and place where he was registered that since having registered he has resided continuously at the same address or if he has since changed his registration to another address in the city that he has in all respects complied with the provisions of this act to secure the transfer of his registration to his present address stating the time when and the manner in which he complied with such requirements that his registration has not been cancelled for any reason that he is in all respects entitled to vote as a qualified and registered elector of the district and that the absence of his registration affidavit in the district register of the district is not due to any fault or omission on his part All such affidavits shall be numbered in the

order in which they are executed and the election officer in charge of the voters' certificates shall note on the voter's certificate of any such person being so permitted to vote that fact the reason therefor as hereinbefore provided and the number of the special affidavit executed by him After the closing of the polls all such affidavits shall be arranged in numerical order by the election officers which together with such orders of the court or certified copies thereof and such notices by the commission received by them as aforesaid shall be sealed in an envelope to be furnished to them by the commission and returned to the commission with the voting check list

Section 29 Clause (f) of section thirty-eight of said act is hereby amended to read as follows

(f) The commissioners in charge of elections shall cause to be printed for each election district a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

Voter's Certificate

Number (serially numbered) (Primary) (Election) 19.... I hereby certify that I am qualified to vote at this (primary) (election)
Signature
Address Pennsylvania
If voter's registration card is not in register insert the number of his special affidavit here
Approved
Refused
Number of stub of ballot issued (or number of admission to voting machine)
(and party at primary)

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the commissioners conducting the election After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations [herein above] hereinbefore required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the name of the district and date of the primary or election The voter's Certificates so bound shall constitute the voting check list of the district All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list

Section 30 Clause (g) of section thirty-eight of said act is hereby amended to read as follows

(g) The district register shall constitute the ballot check list of the district As each voter is found to be qualified and votes unless such voter is permitted to vote notwithstanding the absence of his registration affidavit in the register as hereinbefore provided the election officer in charge of the district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at the primaries a letter or abbreviation designating the party in whose primary he votes and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register

so marked or stamped as having voted together with such others whose registration affidavits did not appear in the register who may nevertheless have been permitted to vote as aforesaid shall be immediately counted and the result compared with the number of persons voting shown by the voting check list and numbered lists of voters and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened. The district register [and] the voting check list the voters' certificates prepared by persons whose applications to vote are refused and the orders of the court or certified copies thereof and the special affidavits as provided in clause (a) of this section shall be immediately sealed or locked in envelopes or containers and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary.

Section 31 Clause (c) of section thirty-nine of said act is hereby amended to read as follows:

(c) The commission specifically shall cause the signature of each elector on each voter's certificate to be compared with his signature in the district register or on such other records in its custody on which it may appear and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud, personation or forgery which may appear to the commission by reason of any comparison of the voter's certificates and registers [hereby prescribed] or other records in its custody.

Section 32 Section forty of said act is hereby amended to read as follows:

Section 40 Cancellation of Registration upon Failure to Vote Within [Four Years] Certain Periods Request for Reinstatement Correction of Errors of the Commission in Cancellation of Registrations Within three months after any general or municipal election held in the year one thousand nine hundred and forty-one and within three months after each general and municipal election held thereafter the commission shall cause all of the district registers or general registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of four years immediately preceding the date of said municipal or general election held in the year one thousand nine hundred and forty-one and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding any municipal or general election held in any subsequent year the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of four years or two years as the case may require and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth place of residence and signed by him [A copy of said notice]. A list of the persons to whom such notices shall have been mailed shall be sent promptly to the city chairman of the political party of which [such elector was] the electors were registered as [a member] members. At the expiration of the time specified in the notice the commission shall cause the registration of such elector to be cancelled unless he has filed with the commission a signed request for reinstatement of his registration as above provided. The cancellation of the registration of any such elector for failure to vote within a period of four years or two years as the case may require shall not affect the right of any such elector to subsequently register by personal application [to the commission or a registrar] in the manner provided by this act.

Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the reinstatement of his registration not later than the tenth day preceding any primary or election and after a hearing on said application if error on the part of the commission is proved the commission shall re-

instate the registration of such elector [The testimony presented at such hearing shall be stenographically recorded and made a part of the records of the commission].

Section 33 Section forty-two of said act is hereby amended to read as follows:

Section 42 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fee

(a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose herein provided or any qualified elector of the city whose rights are impaired by any order of the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the seventh day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief. Provided That if the order of the commission appealed from was entered within ten days of any election or primary such appeal shall be filed within two days thereafter. Thereupon any judge of the said court [may] shall fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the commission or upon counsel of the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court. Proof of notice or the waiver thereof must be filed therein.

(b) Any judge of said court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary. At the time so fixed the court or any judge thereof assigned for the purpose [shall] review the record made before the commission. Provided however That no additional testimony shall be taken before said court shall hear all the witnesses and other evidence that may be offered de novo unless the issue can be decided in some other manner by agreement of the parties concerned.

(c) [The said court on appeal from any decision or action of the registration commission shall be limited to the determination of the regularity of such decision or action and whether the findings and decision of the registration commission are reasonable in the light of the competent evidence presented before said commission and in conformity with law]. If after such public hearing the said court shall find that [the decision or action of the registration commission has been erroneous it shall direct the commission to correct its decision] an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district [registry] register of such district. If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed.

(d) The said court may compel the appellant unless his appeal is sustained or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner.

Section 34 Clause (b) and (c) of section forty-three of said act are hereby amended to read as follows:

(b) The commission shall be a party appellee to all such appeals [but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so] and may itself appeal from any judgment order or decree made or entered by the court of common pleas to such court of appellate jurisdiction as may have jurisdiction over the

subject matter of the controversy and shall be deemed and considered a proper party appellant and in interest to file and prosecute such appeal.

[(c) The stenographic record of any proceeding required by this act to be stenographically recorded shall when certified by any commissioner present at such proceeding be prima facie evidence of the events therein recorded.]

Section 35 Clause (n) of section forty-five of said act is hereby amended and a new clause (o) is hereby added to the said section to read as follows

(n) Any person who shall [serve any paper being or purporting to be a copy of a petition to strike a voter's name from the registers or a copy of a notice or order of the commission without being duly authorized so to serve as provided herein] intentionally remove deface or destroy a copy of a street list posted by the commission in accordance with section thirty-four (b) of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one [thousand (\$1,000)] hundred (\$100.00) dollars [and] or to undergo an imprisonment of not [less] more than [three] six months [nor more than three years] or both in the discretion of the court

(o) Any person who shall sign his name to the removal notice of any elector certifying to the truth of the statement therein as to the place of residence of such elector knowing or having reason to know that the statement is false shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred (\$500.00) dollars or to undergo an imprisonment of not more than two (2) years or both in the discretion of the court

Section 36 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 37 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Foor,	Lyons,
Allmond,	French,	Malloy,
Auker,	Gallagher,	Marks,
Baker,	Gates,	Maxwell,
Balthaser,	Gerard,	McClanaghan,
Baugher,	Gillan,	McClester,
Bentley,	Gillette,	McDermott,
Bentzel,	Goodwin,	McDowell,
Boles,	Greenwood,	McFall,
Boney,	Gryskewicz,	McGrath,
Bower,	Gyger,	McIntosh,
Bradley,	Habbyshaw,	McKinney,
Bretherick,	Haberlen,	McLanahan,
Brunner, C. H.,	Haines,	McLane,
Brunner, P. A.,	Hamilton,	McMillen,
Burns,	Hare,	McSurdy,
Burris,	Harkins,	Melchiorre,
Cadwalader,	Harris,	Mihm,
Chervenak,	Heatherington,	Monks,
Cochran,	Helm,	Mooney,
Cohen, M. M.,	Hering,	Moran,
Cohen, R. E.,	Herman,	Moul,
Cook,	Hersch,	Muir,
Cordier,	Hewitt,	Munley,
Corrigan,	Hirsch,	Nagel,
Croop,	Holland,	Nunemacher,
Cullen,	Imbrie,	O'Brien,
Dalrymple,	James,	O'Connor,
Dennison,	Jefferson,	O'Dare,
DiGenova,	Jones, G. E.,	O'Mullen,
Dix,	Jones, P. N.,	O'Neill,

Dolon,
Duffy,
Early,
Eckels,
Elder,
Elliott,
Ely,
Falkenstein,
Finestone,
Finnerty,
Fisher,
Fliss,
Fleming,
Fletcher,
Flynn,

Keenan,
Kenehan,
Kline,
Knoble,
Kolankiewicz,
Komorowski,
Lee, T. H.,
Lelsey,
Leonard,
Lesko,
Levy,
Leydic,
Lichtenwalter,
Longo,
Lovett,

Owens,
Petrosky,
Pettit,
Polaski,
Polen,
Powers,
Prosen,
Rank,
Rausch,
Readinger,
Reagan,
Reese, D. P.,
Reese, R. E.,
Regan,
Reynolds,

Weingartner,
Weiss,
Welsh, E. B.,
Welsh, M. J.,
Wilkinson,
Williams,
Winner,
Wolf,
Wood, L. H.,
Woodring,
Woodside,
Wright,
Yeakel,
Yester,
Young,
Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

BILL PASSED OVER

There being no objection House Bill No. 924, Printer's No. 1023, was passed over at the request of the SPEAKER.

CALENDAR POSTPONED

Mr. WOODSIDE. Mr. Speaker, we are not going to get anywhere apparently because the gentleman on the other side is about ready to bite the microphone, so I suggest that we have the announcements by the clerk and prepare to adjourn.

Mr. ACHTERMAN. Mr. Speaker, as far as postponing any further action on the calendar, I agree with and join the gentleman from Dauphin, and move that further action on the calendar be postponed.

The motion was agreed to.

CONDOLENCE RESOLUTION

Mr. BAUGHER offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 26, 1941.

Whereas, On January 8, 1821, there was born in Edgefield, South Carolina, a boy who was destined to write soldierly and heroic history in two wars—James Longstreet. A graduate of West Point Military Academy, he served with the United States forces in the Mexican War. When the war broke between the States, General Longstreet took up the Southern Cause, and fought gallantly under the Stars and Bars and in the uniform of Southern Gray; and

Whereas, From days at West Point, through the Mexican and the Civil Wars, General Longstreet gave heroic military service to the causes in which he felt he was right. At the close of the war—with Chapultapec and Gettysburg and Appomattox behind him—he turned to the ways of peace, and, in a country united by the blood of the Gray and the Blue, became a still greater man, devoted completely to his beloved United States; and

Whereas, Now on July 2nd, 78 years after his heroic and gallant fight at Gettysburg, a site is to be dedicated along the Emmitsburg Road, where later an equestrian statue will be erected in his honor and his memory by his widow, Mrs. Helen Dortch Longstreet, survivors of his old commands, and the Longstreet Memorial Association; and

Whereas, Present at the dedication ceremonies will be the Hon. H. Breckenridge Long, who will represent President Franklin D. Roosevelt, a representative of the Governor of this Commonwealth, Mary Pickford, the 71st Coast Artillery Unit, consisting of 1,600 men, 75 officers, and 250 vehicles; be it therefore

Resolved, That the House of Representatives pause in its deliberations to pay tribute to this former great citizen of our Commonwealth, and to request all the citizens thereof to observe the week commencing July 2, 1941, as General Longstreet week; and be it further

Resolved, That a copy of this resolution be transmitted

by the Chief Clerk of the House to his widow, Mrs. Helen Dortch Longstreet, as a testimonial of the House of Representative's great respect for her distinguished husband.

ADJOURNMENT

Mr. PRESLEY N. JONES. Mr. Speaker, I move that this House do now adjourn until Monday, June 30, 1941, at 8 p. m.

The motion was agreed to, and (at 5:25 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., MONDAY, JUNE 30, 1941.

No. 79.

SENATE

MONDAY, June 30, 1941.

The Senate met at 3:30 o'clock, p. m., E. S. T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Our Gracious Heavenly Father, God of all mercies and graces, we recognize Thy perfection in all things and we humbly bow before Thee asking Thy help in these hours of labor for the best interests of our Commonwealth. Problems confront us and trials beset us and we grovel in the mire of our own undertakings and peculiar machinations and very often do not even ask Thee for aid. Pardon us each one for these undue actions and unholy desires when we endeavor amicably to legislate together without the greatest personage in heaven and earth invited to our conference tables.

O God, the world needs Thee so much. Man proposes but God disposes and should we run counter to Thy purpose we always know our efforts will be null and void. Help us each one, then to depend more upon Thee and Thy word than our own.

We beseech Thee, now, to hear our petitions for much needed help and direction in these legislative halls, in our Commonwealth and in our nation that Thy will be done more perfectly among men. For Thy Name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. EALY and Mr. MILLER, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do

now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 30, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 30, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Helen J. Bridges, Dormont.
Harry M. Brown, 1716 Youghiogheny Ave. Pittsburgh.
Benjamin Rosenshine, 218 Bakewell Building, Pittsburgh.

BEAVER COUNTY

W. C. Anderson, Beaver Falls.

DAUPHIN COUNTY

L. L. Dunkle, Harrisburg.

ERIE COUNTY

George Godding, West Springfield, Springfield Twp.

FAYETTE COUNTY

Mrs. Sue Galley, Connellsville, R. F. D. 2, Connellsville Twp.

JEFFERSON COUNTY

Mrs. Amelia D. Dereume, Punxsutawney.

LACKAWANNA COUNTY

E. W. Clark, Scranton.
J. A. Phillips, Scranton.

LEBANON COUNTY

Mrs. Hilda I. Kleinfelter, Jonestown, R. D. 2, Union Twp.

LEHIGH COUNTY

Wm. J. Kreis, Allentown.

MERCER COUNTY

Miss Lou Ann Peat, Sharon.

MONTGOMERY COUNTY

Miss Martha E. Foyle, Hatboro.
Mrs. Helen G. Gardner, Jenkintown, Abington Twp.

NORTHUMBERLAND COUNTY

Harry L. Kline, Jr., Shamokin.

PHILADELPHIA COUNTY

Miss M. M. Doris, 4717 N. Broad St., Philadelphia.
 Benj. F. Gessleman, 2245 E. Tioga St., Philadelphia.
 Frederick A. Meyers, 1414 McKean St., Philadelphia.
 Miss Louise S. Miller, 6901 Elmwood Ave., Philadelphia.
 Miss Nell R. Smith, Wayne Ave. and Apsley St., Philadelphia.

WASHINGTON COUNTY

Mrs. Helen McCormick, Burgettstown.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barr,	Ealy,	Mallery,	Taylor,
Bartlett,	Edmonds,	McQuiddy,	Thomas,
Becker,	Farrell,	Miller,	Tyler,
Carr,	Geltz,	Reed,	Wade,
Cavalcante,	Heyburn,	Ruth,	Walker,
Chapman,	Homsher,	Snowden,	Watkins,
Coleman,	James,	Stevenson,	Wilson, H. I.,
Cox,	Jaspan,	Stiefel,	Wilson, T. B.,
Crowe,	Lanius,	Tallman,	Woodward,
DiSilvestro,	Letzler,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED CONCURRENT RESOLUTION
RECALLING SENATE BILL No. 566

Commonwealth of Pennsylvania,
 Governor's Office, Harrisburg, June 27, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 566, Printer's No. 288, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL No. 566 LAID ON THE TABLE

Mr. TALLMAN. Mr. President, I move that Senate Bill No. 566, returned from the Governor, be laid on the table.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED CONCURRENT RESOLUTION
RECALLING SENATE BILL No. 352

Commonwealth of Pennsylvania,
 Governor's Office, Harrisburg, June 27, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 352, Printer's No. 463, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL No. 352 LAID ON THE TABLE

Mr. EALY. Mr. President, I move that Senate Bill No. 352 returned by the Governor, be laid on the table.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

HOUSE NON-CONCURS IN AMENDMENTS MADE BY
THE SENATE TO HOUSE BILL No. 551

The Clerk of the House of Representatives being introduced, informed the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 551, entitled:

An Act to amend the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page 60), entitled, "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the Public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for a deficiency in the appropriation to the Department of Property and Supplies for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one; providing for payment out of revenues of the fiscal biennial period beginning June first, one thousand nine hundred forty-one; and preventing lapsing.

COMMUNICATION LAID ON THE TABLE

Mr. EALY. Mr. President, I move that the communication be laid on the table.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the House of Representatives be informed accordingly.

HOUSE NON-CONCURS IN AMENDMENTS MADE BY
THE SENATE TO HOUSE BILL No. 943

He also informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 943, entitled:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278), entitled "General County Law," by authorizing boards of county commissioners to appropriate county moneys for the support of charitable hospitals.

COMMUNICATION LAID ON THE TABLE

Mr. EALY. Mr. President, I move that the communication be laid on the table.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the House of Representatives be informed accordingly.

HOUSE CONCURS IN AMENDMENTS TO HOUSE
BILL No. 90

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 90, entitled:

An Act providing for the correction of the designation and title of all organizations of veterans of the Spanish American War in all present legislation affecting veterans by designating such organizations as United Spanish War Veterans, Inc.

HOUSE CONCURS IN AMENDMENTS TO HOUSE
BILL No. 291

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 291, entitled:

An Act making appropriations for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

HOUSE CONCURS IN AMENDMENTS TO HOUSE
BILL No. 529

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 529, entitled:

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103) entitled "The Second Class Township Law," by providing that the tax collector shall give but one bond for the collection of township, county, school district, poor district and institution district taxes.

HOUSE CONCURS IN AMENDMENTS TO HOUSE
BILL No. 567

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 567, entitled:

An Act to reenact and amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "Pennsylvania Securities Act," by providing for the registration and regulation of investment advisers and their solicitors; further defining "dealers" and further regulating dealers and salesmen; providing for service on registrants under provisions of this act; and imposing penalties.

HOUSE CONCURS IN AMENDMENTS TO HOUSE
BILL No. 581

He also presented communication from the House of Representatives informing the Senate that the House has

concurred in amendments made by the Senate to House Bill No. 581, entitled:

An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis in cattle.

HOUSE CONCURS IN AMENDMENTS TO HOUSE
BILL No. 892

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 892, entitled:

An Act authorizing a commission to study recreational facilities available in first class cities imposing powers and duties on said commission and making an appropriation

HOUSE CONCURS IN AMENDMENTS TO HOUSE
BILL No. 940

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 940, entitled:

An Act to amend section 1202 by adding thereto clause LX, of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519) entitled, "General Borough Act" authorizing boroughs to appropriate moneys for the support of hospitals.

HOUSE CONCURS IN AMENDMENTS TO HOUSE
BILL No. 1066

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1066, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania.

HOUSE CONCURS IN AMENDMENTS TO HOUSE
BILL No. 1106

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1106, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls, Philadelphia, Pennsylvania.

HOUSE CONCURS IN AMENDMENTS TO HOUSE
BILL No. 1175

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1175, entitled:

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

HOUSE CONCURS IN AMENDMENTS TO HOUSE
BILL No. 1559

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1559, entitled:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," by including therein military police and certain other persons in the armed service of the United States.

HOUSE RECEDES FROM ITS AMENDMENTS NON-
CONCURRED IN BY THE SENATE TO
SENATE BILL No. 597

He also presented a communication informing the Senate that House has receded from its amendments nonconcurred in by the Senate to Senate Bill No. 597, entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor.

HOUSE INSISTS UPON ITS AMENDMENTS NON-
CONCURRED IN BY THE SENATE TO
SENATE BILL No. 418

He also informed the Senate that the House insists on its amendments non-concurred in by the Senate to Senate Bill No. 418, entitled:

An Act requiring the Governor of the Commonwealth to issue a proclamation setting apart September thirteenth of this year as Commodore John Barry Day.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN
AMENDMENTS MADE BY THE HOUSE TO SENATE
BILL No. 418 AND APPOINTS COMMITTEE
OF CONFERENCE

Mr. EALY. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 418, entitled:

An Act requiring the Governor of the Commonwealth to issue a proclamation setting apart September thirteenth of this year as Commodore John Barry Day.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

The PRESIDENT. The President Pro Tempore announces the appointment of Messrs. Wade, Carr and McCreesh, to be committee on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such a committee) to consider the differences existing between the two houses in relation to said bill.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CON-
CURRED IN BY THE SENATE TO SENATE BILL
No. 624

He also presented communication from the House of

Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 624, entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" by increasing the minimum salaries of teachers in school districts of the fourth class and providing for the payment of the whole of such increase by the State for a period of two years.

SENATE INSISTS ON ITS NON-CONCURRENCE IN
THE AMENDMENTS MADE BY THE HOUSE TO
SENATE BILL No. 624 AND APPOINTS A COMMITTEE
OF CONFERENCE

Mr. EALY. Mr. President, I move that the Senate insist on its non-concurrence in the amendments made by the House to Senate Bill No. 624, entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," increasing the minimum salaries of teachers in school districts of the fourth class and providing for the payment of the whole of such increase by the State for a period of two years.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Homsher, James and Ruth, as a committee on the part of the Senate, to confer with a similar committee of the House of Representatives (if the House shall appoint such committee) to consider the difference existing between the two houses in relation to said bill.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS ON ITS AMENDMENTS NON-CON-
CURRED IN BY THE SENATE TO SENATE BILL
No. 80 AND APPOINTS COMMITTEE OF CON-
FERENCE

He also presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 80, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-seven (P. L. 2897-1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to pro-

vide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination payment and collection of such contributions; and the payment of such compensation providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer and prescribing penalties" by further defining "contributions" to be paid by certain employees; changing the procedure and administrative details for the determination and payment of compensation; further regulating the appointment, promotion, dismissal, suspension and furlough of civil service employees; further defining the powers of, and procedure before, the board; making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board; and making the Administration Fund subject to certain charges

and has appointed Messrs. R. Cohen, Harkins and Trout, as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

The PRESIDENT. For the information of the Senators a similar committee has previously been appointed on the part of the Senate, Senators Coleman, Henry I. Wilson and Heyburn.

HOUSE CONCURS IN SENATE BILL No. 212

He also returned to the Senate, Senate Bill No. 212, entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledges and to make uniform the law with reference thereto.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 782

He also returned to the Senate, Senate Bill No. 782, entitled:

An Act to further amend subsections (a), (b), and (c), of section one thousand two hundred and one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations including, to a limited extent, municipal corporation subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal

corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings; and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," further providing for assessment of regulatory expenses upon public utilities.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 788

He also returned to the Senate, Senate Bill No. 788, entitled:

An Act to amend sections one and two of the act approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereof; and providing for the suspension of the registration of any motor vehicle, or of the operator's license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provision of the public utility company law; authorizing the recission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 789

He also returned to the Senate, Senate Bill No. 789, entitled:

An Act to amend section eleven of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employees, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance

of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by expressly providing for administration of the Public Utility Law of June first, one thousand nine hundred and thirty-seven (P. L. 1053), by the Public Utility Commission; and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health.

with the information that the House has passed the same without amendments.

SENATE BILL No. 9 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 9, entitled:

An Act concernnig the permanent recordation of certain births, birth certificates, the issuance of copies of such certificates, and prescribing the procedure therefor; enlarging the powers and duties of the Department of Health and the Bureau of Vital Statistics.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended will be noted on tomorrow's Calendar.

SENATE BILL No. 30 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 30, entitled:

An Act providing for the establishment, construction, operation and maintenance of a mountain ridge road or sky way in the Pocono Mountains, through bordering or accessible to the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike, to be known as the "Rim Parkway"; providing for the creation of the Pennsylvania Parkway Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of parkway revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such parkway, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the parkway; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such parkway shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission; conferring powers and imposing duties on the Department of Highways; authorizing the issuance of parkway revenue refunding bonds and making an appropriation.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended will be noted on tomorrow's Calendar.

SENATE BILL No. 169 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 169, entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven

(P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of street lists, and permitting the destruction of certain records.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended will be noted on tomorrow's Calendar.

SENATE BILL No. 561 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 561, entitled:

An Act to amend the act approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration, commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties," as amended by amplifying and changing the powers and duties of the commission, its employes and commissioners, further regulating and changing the provisions of said act, relating to the appointment and removal of registrars and the powers, privileges, rights and duties of registrars, watchers, election officers, and electors, revising and changing the provisions of said act, relating to the times places and manner of registering electors and their enrollment as members of political parties, change of party enrollment, cancellation of registrations, preparation and distribution of street lists, appeals to the commission and to courts and the procedure thereon; pro-

viding for appeals by the commission to appellate courts, changing certain provisions of said act, relating to removal notices providing for the manner of reckoning time, imposing additional duties on certain city officers, clarifying and coordinating certain provisions of said act and imposing additional penalties.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bill of the House, as follows:

House Bill No. 1703, (Senate Bill No. 1301), entitled:

An Act limiting the amount of costs of prosecution payable by persons, when appeals from the payment of fines for summary conviction was not sustained.

Which was committed to the Committee on Judiciary General.

HOUSE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1098

He also informed the Senate that the House has adopted a Report of Committee of Conference on House Bill No. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three (P. L. 1449), entitled "Allegheny County Juvenile Court Law," to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court.

PETITIONS

The Chair cleared his table and laid before the Senate the following communications:

URGING PASSAGE OF SENATE BILL No. 973

Telegrams received from John W. Rankin, of the Department of Pennsylvania Veterans of Foreign Wars of United States, urging passage of Senate Bill No. 973.

PERMISSION TO ADDRESS SENATE

Mr. MILLER. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Luzerne will proceed.

Mr. President, in the knowledge that the 134th regular session of the General Assembly of Pennsylvania is rapidly drawing to a close, with a meager accomplishment in the field of Veteran's legislation, I rise as a member of this assembly and as Legislative Chairman of that great body of American men of Pennsylvania, who so brilliantly discharged their duties of citizenship 22 years ago, the American Legion. Having a high regard for the responsibilities of the Legislative Chairman of the American Legion of Pennsylvania I wish to make some pertinent observations upon the record of this Assembly.

It is well known that the aims and objectives of the

American Legion are absolutely non-partisan, and when any legislation is advanced by the American Legion it is done so, solely in the interest of the disabled or the widowed and orphaned; or to strengthen the bulwarks of the American form of government against those who would use the protection of our Constitution as a shield from which to attack the very government whose protection they enjoy.

During the present assembly it has been my privilege to press for legislation which would further control subversive activities in Pennsylvania, by making belief in the concepts of Americanism, as advanced by the American Legion, the controlling factor in seeking state employment or in any political subdivision thereof; and for all those engaged in the profession of teaching in our public schools; the elimination of foreign controlled, so-called political parties which are essentially military in their organization, from the ballot in Pennsylvania; investigation of text books whose advocated principles, which are controversial, to say the least; and provisions pertaining to the education and maintenance of certain types of war orphans. This legislation as you can appreciate, is absolutely non-partisan and is deserving of the whole-hearted support of all patriotic citizens, who have the interest of America at heart. The American Legion can conceive of no reason why any person selected to the law making branch of any subdivision of the United States, should not immediately support the aims of these bills, which are only designed to strengthen the form of government they have sworn to uphold and defend. I wish in all fairness, to compliment the members of this body for their quick perception of the value of the legislation of which I speak and their ready response to the call of duty in the present emergency, by the immediate passage of all the bills I mentioned. I regret, however, that in the lower body, those charged with the responsibilities of leadership have apparently not seen fit to discharge that responsibility in the interest of the American form of government. This, I realize, seems like a harsh charge to level against any American legislator or group of legislators. The record, however, speaks for itself and all who run may read. Under date of May 13th I wrote the majority leadership of the lower body, recalling a previous conference on the aims of the American Legion's legislative program. I was not granted the courtesy of a reply to that letter. Again on June 5th I wrote the majority leadership concerning this same matter and again setting forth the program which had passed the Senate and which was reposed in the various committees in the House of Representatives, and again I was not tendered the courtesy of a reply. I can forgive and forget the discourtesy but other facts, which have since arisen can not be so easily overlooked.

The bills I have mentioned have lain for months in committee in the lower body of this assembly. Recently there appeared in a great metropolitan newspaper of Pennsylvania, the demands of the city chairman of the Democratic party, a man not a member of this assembly, directing that the lower body bring these bills out of committee so that they can be enacted into law. I concur in the demands of the gentlemen mentioned and compliment him upon his fine sense of responsibility as an American citizen. I regret at the same time, however, that the leadership of the lower house, apparently, is so lacking in the perception of their duties as legislators

and citizens that they require the prodding of men not members of this assembly to make them understand their duties. I contend that, the overwhelming majority of the lower body are ready and eager to enact these bills into the laws of our Commonwealth, if but given a chance by the majority leadership of the lower body. To these splendid Americans I say that veteran patriotic, fraternal, labor, and other organizations back home are looking for them to take matters into their own hands and break the power of the little group of willful men, who would put above the call of duty as American citizens, the advantage to be temporarily gained by heeding, at least in their actions, the counsel of groups whose first consideration lie outside the boundaries of the United States.

It is action such as the majority leadership of the lower body, perhaps unintentionally, which lend aid and comfort to the Fifth Columnists, and the saboteurs, who are in our midst. Macaulay the great English historian of the 19th century once remarked that if the American Government was ever to be destroyed it would be destroyed from within. Events of recent years has made his remark prophetic indeed. The action of the leadership of the lower body is exactly in line with that prophecy. It is such leadership, unfortunately too prevalent in America, that has been responsible for the tragic loss of confidence in government and in public men which has been so apparent recently. Their actions put upon the shoulders of those men who love America and all she stands for, additional burdens and this at a time when a place at the wheel can be found for every sturdy American shoulder.

We of the American Legion, having experienced the trials of war, are not panicky in the face of the present danger which is so apparent. We are not affected by the hysteria of fear now so prevalent. We are, however, concerned over the apathy which is everywhere displayed, including the leadership of the lower body. I say we are not afraid—I say, too, it is not part of fear to point out these facts to the members of the 134th Assembly of Pennsylvania. I call attention to the fact that some fourteen or fifteen nations of Europe have already succumbed to the apathy which is so prevalent in this country, today we are currently watching the invasion of another nation which I predict will also shortly fall. All this, in my opinion, merely accentuates the danger to this great nation of ours. This danger is pressing and real. In the face of this danger I call upon the leadership of the House of Representatives to courageously meet their responsibilities as legislators and bring out these bills which are essential to strengthen the bulwarks of America. To these men I say "Now is the time for all good men to come to the aid of their country."

PERMISSION TO ADDRESS SENATE

Mr. SHAPIRO. Mr. President, I request permission to address the Senate.

The PRESIDENT. The gentleman from Philadelphia will proceed.

Mr. SHAPIRO. Mr. President, I desire to make a few remarks in the nature of a report.

In the 1938 session of this Legislature there were passed three bills, two of which, in the main, brought about a change in the governmental operation of mental institu-

tions in the State of Pennsylvania. At that time Pennsylvania was one of about five states which did not take absolute and complete control and responsibility for the care of the mentally ill. For twenty-five years the State of New York had been in the forefront in the treatment of its mental patients, and had actually taken complete charge and responsibility for all state mentally ill, prohibiting the operation of individual institutions by counties.

Mr. President, for many years we have had in this Commonwealth socially minded men and women who understood the necessities of the situation and endeavored to bring about a change in this Commonwealth. Periodically there was some maladministration in county institutions, which resulted in an additional spur to their activities, but nothing happened until in the years 1937 and 1938, when an investigation was made by a committee appointed by both Houses, of the conditions existing in the hospitals for the mentally ill throughout the state, particularly in Byberry at Philadelphia, and while I have forgotten some of the incidents in the examination and investigation of these institutions, the horrors at Byberry are still in my memory, and it was because of the exposition of the fact that this particular institution in its management was reminiscent of the dark ages, that most of the citizens of this Commonwealth rose up in arms and compelled in effect the passage of the legislation to which I have referred, namely, an act which made it the business of the state to take over all of the county operated institutions and once and for all time assume full and complete responsibility for the care and maintenance of the mentally ill. In addition, there was a companion bill which took away from the counties the responsibility of paying three dollars per week for each patient of any county that was in a state institution. At the same time it abolished the law which required the Commonwealth to pay to county institutions the two dollars per week which they received for county maintained patients.

That bill became a law in the session of 1938. Some six or eight months before it was necessary for the Commonwealth to complete and carry out the terms of the act, under the first and main act, Byberry was taken over immediately and other institutions were to be investigated for the purpose of allowing the Department of Welfare to determine whether or not it would be advisable to consolidate or combine some of the institutions by transferring patients from one institution to others and abandoning those from which the patients had been taken.

Every institution in the Commonwealth of Pennsylvania, state and county, was overcrowded. That fact was established by reason of the effort which was made by the committee, of which I had the honor to be chairman, to have some of the Byberry patients transferred to other institutions, and each institution successively, one after another, refused to accept them upon the ground that they were overcrowded at the time and had certainly no room for new patients. No additions or alterations or improvements to those institutions could be made, because the counties did not have any money, and the main reason for immediately taking over Byberry was to enable the Commonwealth to enter into a compact with the authorities which were then actively engaged in building public buildings for an additional structure or structures at Byberry.

In any event, Mr. President, the law was enacted and under its terms required the Governor to make a proclamation, after an investigation by the Secretary of Welfare, as to which institutions he would take over, and as to those institutions which were not taken over, the buildings and equipment could be used, under the law, for any other public purpose, and if after the taking over there was an abandonment of any buildings, under the law it is my recollection, and I think I am correct, that those institutions reverted back to the counties.

In 1939, when we came here under a new administration, the effective date of the two acts was postponed. The acts were not repealed, and by implication I think we can say that the administration agreed with the theory of the law, agreed basically with the proposition that it was the function of the state, and solely that of the state, to care for the mentally ill, that only the state could provide that kind of management and that kind of equipment and buildings that would give to these unfortunate people what they were entitled to, the highest degree of consideration and care.

That postponement, I say, indicates that it was not the intention of the administration to abandon the plan or the program, but the postponement had a very bad effect upon many counties. In many of the counties, where the fiscal year ended with the calendar year, the financial requirements of the institutions were not provided for in their budgets for that year and so when the postponement occurred they were left in the position where they would have to look elsewhere for funds, and in some instances they suffered great embarrassment.

In 1941 we came here having the right to expect that the Commonwealth of Pennsylvania would carry out its obligation to these people. For two years none of these institutions had dared to make any improvements, because under the law it is my opinion, and I am told that the administration agrees with me, that title to those buildings is in fact in the Commonwealth, so that it would have been foolish for any county to expend in times like these money for improving those institutions if the buildings were eventually to become the property of the state, actually and physically, and yet it was not fair that these patients should continue to suffer from lack of proper care.

Today, Mr. President, Byberry has over six thousand patients and the overcrowded condition has not been corrected. Every other mental institution in the state is overcrowded, county and state, and yet the Governor asks that we further postpone the effective date of these acts for two additional years.

Now, of course, when we met and the Governor presented his fiscal program, it was quite evident, from the estimates made by those who were estimating for him, there was not sufficient money to meet the requirements of the act, for the government to maintain and take over these institutions. We, however, of the Democratic Party made our estimates independently and came to a different conclusion. I do not propose to discuss at this time who is right or wrong—that matter, I think, has been very ably covered, at least on the other side of the House, if not on this side of the House—but the statement is made that we legislators have no right to change the budget figures, that the Governor can not change the figures,

but must accept the figures given to him by his estimators, and the estimators will not change the figures.

We were met with the proposition, when the Committee on Conference appointed on the tax bill met, that to take over the institutions and reduce the four mills personal property tax would make the burden even more insurmountable, and we were faced with this situation that we could play "dog in the manger" and do nothing or we could try to do something constructive.

In the meantime, the effective date of these acts came around and under the law it was the duty of the Governor to make a proclamation but apparently, upon the advice of his law advisors, he sent out notice to every institution advising them that as of that date, May 31st, the state had taken over all of these institutions; in fact, in Allegheny County, he took physical possession of one of the institutions. Each county, therefore, had the right at that time to assume that in making up their budget, after that, they would not be required to include any costs for the maintenance of any of those institutions, and that includes the requirement to pay the three dollars per week per patient, because that act was not postponed either.

After the Conference Committees on the tax program could get nowhere it became necessary for one side or the other to move, and, pocketing my personal pride in legislation and my sincere desire to see accomplished what I thought was a necessary governmental function by the Commonwealth, I made every effort to have a conference with the Governor, and he graciously consented to have that conference. In that conference we discussed the question of the tax and the taking over of these institutions, as well as the cuts in the appropriations by the Democratic side of the Assembly and by the Governor in his approval of the appropriation measures. For several hours we went into details of all of these things that I have discussed here today.

We were told very plainly that there was no money for these institutions; we were told very plainly that if we persisted in our reduction of the four mills tax to three mills that the government could not function, and that institutions other than these mental institutions would have to suffer; we were told, when we expressed to the Governor the proposition or the thought that having taken over these institutions he became liable for them and that if he did not appropriate the money for them, the counties could claim that the state owed that money, we were told that if that would happen they might be paid but they would have to be paid at the expense of some other important function. As I say, however, even now we say to the Governor, "that is your baby; you have taken these institutions over, they are your responsibility, you said so yourself, and now it is your job." In fact, I expressed the opinion then, and still maintain, that legally every county in this Commonwealth can refuse to agree to run these mental institutions for the care of the mentally ill, because it is one thing for a county to voluntarily operate a mental institution, but it is another thing for the Commonwealth to tell the county that it must operate that mental institution, and so there is a legal difficulty which I still feel can not be surmounted, but in any event the Governor's Attorney General advised him that it can be done, and if that is so, and the responsibility is theirs, we have no right to quarrel with or deny their opinion.

And so we were ready and prepared to take the course that we think is the statesmanlike course; the responsibility is the Governor's, he says so himself; he will not move from his position. He says his estimates can not be increased and we had to take the position which I took and which I think was fair to every one of my constituents, to my fellow Democrats and to the situation, saying that we would like to have at least a definite date upon which these institutions would be taken over, or we would like the Governor of this Commonwealth to introduce legislation repealing both those acts and failing to repeal both those acts, we were entitled to demand that a definite date be fixed. After discussion it was agreed that either on December 1st or December 31st the Governor should announce whether or not, in the year that would have transpired his estimates were low and his actual receipts would permit the taking over of these institutions; if they were, he would make a proclamation and take them over; if they were not, they were to be taken over definitely on the first of February, 1943. In consideration of that proposition the three mills tax was to be increased to four mills, the cuts in the departments on both sides were to be restored; either side to be given the right in any dispute to present to the Governor facts and conditions which would warrant their insisting upon an amount in addition to that which was awarded to them.

We parted upon the proposition on which we had agreed, except that towards the close of the discussion, as we were about to leave, the Governor suggested that we ought to pass this little W. P. A. bill. I said our party could not agree to that, and I did not think there was any chance of getting together on that proposition, and we left it at that.

Now, Mr. President, when we came back to make our report to our party, we found a condition in Allegheny County which was a little difficult. Allegheny County, as I have already pointed out to you, had had one of its institutions taken over physically. Allegheny County itself had made its budget and had counted upon the fact that it would be relieved of the three dollar cost per patient. Allegheny County had stepped out of the institution and Allegheny County could not go along on the proposition. That was discussed in our Caucus by those of us who were interested in the matter, and we came to the conclusion that we could not let the fate of one county rule the fate of the state, but Allegheny County requested time to have the matter discussed with their officials, and so we went back to the Governor and we told him of our plight, and said to him that on Monday we would give him a final answer. He suggested that he was leaving Sunday night and asked that we meet him on Sunday evening, which we did.

During the discussion of whether or not the state should take over these institutions, the Governor pointed out that several counties did not want the institutions to be taken over and he made the suggestion, and I agreed, that in most of those instances it was purely for political reasons, that in a particular county the party in charge, perhaps, of an institution would be hurt by the fact that if the Commonwealth took over the institutions some of the men would lose their jobs. My answer to that then and now is this, that, any party in any county whose existence depends upon its control politically of the mental institutions

or any other social institutions is better off dead, and I shall maintain that position to the last. There is no excuse politically for the withholding of the guardianship of the state in a matter as socially important as this, and while I am willing to listen to problems of a serious nature which are brought about by legislation, I am unwilling to lend a listening ear to objection against a social program which has its basis in politics. There is a time and place for politics; it does not belong in the care and treatment of the mentally ill.

Mr. President, when we came back to the Governor yesterday and told him that notwithstanding the fact that we were concerned about the plight of Allegheny County, we nevertheless felt this matter had to be ended, we could not just play "dog eat dog" and we were prepared to proceed to carry out our part of the program, distasteful as it was.

The Governor then told us in plain words that the program was now conditioned upon our acceptance of his proposition that we should pass a work relief bill which had already passed the Senate, and we, in plain words, told him that we would not take on the responsibility of saying that the members of the Democratic Party in the House or the Senate would vote for a W. P. A. bill, the so-called Little W. P. A. bill, which he said had passed the Senate.

I should like here to suggest, in passing, that in 1938, when those two gentlemen campaigned for the governorship of this Commonwealth, both candidates knew of the existence of this law, both candidates knew it was the obligation of the incoming Governor to provide funds for the maintenance of these institutions, both candidates knew when they made promises that those promises must be made with an eye to the existing law. Now, it is regrettable that the Governor can not carry out his additional promise to reduce taxes, and it is more than regrettable that the Governor could not assume the responsibility of maintaining these institutions and carry into effect a law which was on the books before he became Governor, a law which was his responsibility as the incoming Governor, and a law which he knew would be his responsibility when he became Governor, and the continual postponement of the effective date of this act is his responsibility, chargeable to him, and not to us. That is the result, in my opinion, of his being unable to carry out the promise which he made to reduce taxes; he not only embarrasses the counties in this respect, but certainly, when he could not reduce taxes, when dealing with relief; he appropriated one hundred and twenty million dollars when two hundred million dollars were necessary, and, of course, it was necessary to have a special session, and when the special session occurred there were no additional taxes, but there was a transferring and robbing of special funds, and the result of that was to place a double burden on these same counties, because he took from them funds which they could expect as their refund from the liquid fuel tax, and thereby crippled the activities of these counties further. When you start out on the left foot, you continue to be out of step all the way, until you are willing to sit up and see where your feet are going and acknowledge your responsibility and your mistakes. Up to this point apparently, this administration has not been willing to do that, and now, when we are prepared to meet

a situation, a single situation, and dispose of it so that the members of the Legislature can proceed with other problems which arise, we are met with the proposition that the Governor of this Commonwealth who could have, more than three months ago, if he had taken a hand in the picture, by his authority and the power of his office, persuasive power, I mean, and the respect which we have for his office, brought about an early termination of this session of the Legislature; this Governor who has said he would not do that, because he will not or does not have "must" legislation, now has a piece of "must" legislation, one of the most controversial subjects in the political history of this country, one of the subjects upon which the Republican Party in Pennsylvania, of which he is today the head, was adamant, was continually against that proposition. I recall the gentleman from Tioga, Senator Owlett, who brought opposition to test the constitutionality and the legality of the W. P. A.; I recall the tirade we received from the Republican Party against the W. P. A.; I recall every move and every statement that was made against the extravagant expenditures by the W. P. A., and now, to my utter amazement, I find that when the government of the United States finds it necessary, advisable and expedient to reduce the rolls of W. P. A., the Governor of this Commonwealth suddenly becomes enamored with the system of W. P. A. and says that is "must" legislation.

It seems to me, gentlemen, that we have reached the point where we have either to stay here and twiddle our thumbs or take our own counsel and make our own decisions in the matter. So far as I am concerned, I say, in all humility, I think I have made every concession I possibly can in conformity with my conscience. I have proceeded in this matter upon the basis that it does not make any difference what happens to me personally. It is not a question of any individual member of the Senate; I am sure all of my colleagues who were on the committee, including the members on the Republican side, approached it from the same angle, to reach a fair conclusion. We reached the only conclusion that could have been reached under the circumstances, and I protest and object, and I say it with all the sincerity and all the vehemence in my voice, this was no time for the Governor of this Commonwealth to take that position. W. P. A. is a matter of what you and I think of it. W. P. A. is a matter of what it means to the individuals whom we represent in our respective districts, and W. P. A. is a matter of what the political party having the program feels it should commit itself to. It is a party program, it is a matter which must be determined by all the members of the party, all leaders of the party—and I do not attempt to claim I am a leader; I am a follower of those leaders, and I discussed these things with them. Somebody has to make the decision. I am not going to make it, nor am I warranted in making the decision for the Democratic Party as to whether or not they shall agree that the Republican Party shall now have a W. P. A. in Pennsylvania.

However, I thought it wise to find out what this means, and as I look back on what was said, I do not see any program here that permits what the Governor suggests he wants. The only program that I see is an amendment to the Public Assistance Act which inserts the words "work relief" in the definition of what is assistance. If that is so, it means instead of giving money or clothing, the Depart-

ment of Public Assistance shall have the right to put people on work relief. That seems to be the idea of the Governor, but it goes a little further than that, if I understood it correctly, and if I follow that program I come to this conclusion: For every dollar taken out of relief for work relief, we lose one dollar from the Federal Government. If the Governor wants to spend five million dollars, transfer that to the counties for work relief, the federal government will take away five million dollars. I thought that was very plainly discussed in connection with the milk act because we have been giving milk as milk and the federal government has refused to contribute its proportionate share to the milk fund. Now, if we insert "work relief," as we have done in that definition, for every dollar spent for work relief, the federal government will reduce its contribution.

How is this going to be worked out? The Governor suggested—and I think the idea is nebulous and purely embryonic—that he would give five million dollars, using arbitrary figures and situations, to a community which is going to spend on a project an amount, including labor, up to twenty million dollars, so that the community will pay fifteen million dollars and the state government will contribute five million dollars. That is done for the purpose of reducing the relief rolls, because in exchange for the five million dollars, the Governor will ask that twenty million dollars worth of labor shall be taken from the relief rolls.

Mr. President, I ask myself this question: first of all, if we do not go through with this proposition, who will be the workers on that program, and if we do and we take them off relief, what will happen to those who would have been the workers? If we do not meet that problem will they go on relief? It strikes me that the idea as I say, is embryonic, and certainly not the kind of an idea which should be made a condition of cleaning up a very important controversy and enacting it into legislation.

In addition to that, Mr. President, how can we ask for work relief now when the Governor has announced, through his Public Assistance Department, that all single able-bodied men will be removed from the relief rolls on the fifteenth of July? Why, Mr. President? Because it is obvious to most of us there is not an able-bodied man in a community that can not or should not be able to get a job, and if that is true, why do we need W. P. A., and if that is true why should not the Governor gradually take these men off the W.P.A. and give them an incentive and a desire to go out and get work, actual work? You and I know from our own personal experience today that there ought to be very little excuse for any great number of able bodied people being out of work. You can not get farm help, you can not get help in the factories. Everybody that you meet, clients that you meet, your friends and neighbors, tell you how difficult it is to get help. The answer further is this: that the relief rolls of the Commonwealth of Pennsylvania are down to a point where within the next six or seven months the only persons on relief will be the people who are known as unemployable; they make up the group of those who are called old age pensioners, those on mother's assistance and the blind; and then, in addition to them, there are those who want to work, and can not work because of their physical condition. With a continual record of

a drop in the relief rolls, and with the recent announcement in this state that a considerable number of people were taken from the relief lists by virtue of employment elsewhere in industry, how can the proposition of the creation of a W.P.A. be necessary, and if it is necessary, how can it be so imminent that it should upset the adjustment of a program which deals with the fiscal policy of this Commonwealth at a time like this?

I say now, and in conclusion that so far as I am concerned we start from scratch, and it will be my great pleasure, my heartfelt pleasure, to stay here now and insist that the Commonwealth of Pennsylvania and this administration shall carry out its duty, even if it be necessary to impose additional taxes to do it, and that is to take over these mental institutions, which was the Governor's obligation when he came in—he knew it before he came in and he promised to do it in two years, and those two years are up. Concessions have been made. We were willing to go along, but in the back part of my head I had the thought I was making a mistake and doing an injustice to those unfortunates whom I had the unfortunate opportunity of seeing in their suffering and in their pain, and as far as I am concerned, it will be a greater pleasure to me and I can do it with a fuller heart and a clearer conscience, to say to the Governor of this Commonwealth we have made an effort to adjust this matter and so far as I am concerned, my efforts now will be that you shall carry out your responsibility and take over these institutions, completely or not at all.

Mr. GELTZ. Mr. President, I did not intend to make any comment in connection with the discussions which took place in the various conferences which have been held between the representatives of the two parties and the Governor, but since Senator Shapiro has given a fairly accurate account of what took place, in a rather biased and one-sided manner, I feel it is my duty to attempt to give a little bit of the other side, on what possibly may be termed the Governor's side.

The mental institution problem was the big program with which we had to contend. Of course Senator Shapiro wants to hold himself out and up, apparently, as one of the great saviours of mankind, or at least the one person in the conference who was particularly concerned with and thoughtful of the mental patients and persons suffering from mental conditions. If he were endeavoring to give a proper account of what took place, he would also have told us here that the Governor was just as much interested in the state taking care of the mental patients and in the general program and in that ultimate condition as was Senator Shapiro. All those present, I think, Mr. President, were just as much interested in endeavoring to take care of those of mankind who are suffering, to the same extent as Senator Shapiro but always, in an endeavor or an attempt to do that which is right, there are numerous things which must be considered, the most important of which, in our conferences, was the question of from where would come the money. That, I think, Mr. President, is the real reason why an agreement was finally reached, or, in other words, Senator Shapiro and Mr. Achterman finally agreed to go along with the Governor's program in connection with postponement.

Now, Mr. President, in connection with candidates' knowledge of the fact that they would have to take over the mental institutions, whichever one became Governor,

that may be true, or again, Mr. President, just partly true, because Governor James certainly did not know when he was a candidate, nor in all probability did his opponent, that there would be left a deficit running into so many millions of dollars by the former Democratic administration, and that deficit, Mr. President, is the principal reason, along with the great relief load, why many things that should be done and sometime must be done have not been done thus far.

When we come to the other part of this question discussed by Senator Shapiro, it strikes me that he does not appear in quite so good a light as he would indicate here. He made quite a good argument against a State W.P.A. here, Mr. President, but he did not make that argument in yesterday's conference, and he did not, Mr. President, make that argument in the conference last week. Mr. Shapiro at that time apparently was not quite so concerned from a humanitarian standpoint as he would have us believe today, because I remember very clearly, Mr. President, when the Governor said to Senator Shapiro, "Harry, what is your objection to this?" Harry said, "I will admit my objection is purely political, Governor; we do not want the Republican party to have a W.P.A. in this state." Now the only reason, Mr. President, I bring that in is to try to keep the record straight. In the first place, my feeling is that these matters should not have been discussed publicly, but if they are to be discussed publicly, Mr. President, then it seems to me they should have been discussed fairly, accurately, and honestly, and not with an attempt on the part of any individual to bring himself out of that conference as the one person who at all times stands for that which is right, while all other people at no time stand for that which is right.

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. BARR. Mr. President, I desire to ask the gentleman from Allegheny who represented western Pennsylvania in these meetings?

Mr. GELTZ. I represented the people of Pennsylvania to the best of my ability, Mr. President.

Mr. BARR. But you also, besides being the majority Floor Leader, represented yourself as a Senator from Allegheny County, in agreeing that the real estate owners of Allegheny County would have to pay this, I think, probably two million dollars, if the Governor would not take over these institutions, according to law?

Mr. GELTZ. Mr. President, if my colleague from Allegheny County means, when he says did I represent myself as a Senator from Allegheny County, whether or not I took into consideration my political future and the possibility of re-election as a Senator, the answer is "no."

Mr. BARR. May I ask the question in this way, Senator Geltz: Did you think of the real estate owners in Allegheny County when you were making these concessions to the Governor?

Mr. GELTZ. Mr. President, I endeavored to think of all parties concerned to the best of my ability, and that includes, Senator Barr, the real estate owners, and by that I take it you mean those who are paying taxes on real estate, as well as all of the taxpayers in this great Commonwealth.

Mr. BARR. Senator Geltz, did you know that the County of Allegheny had set its budget for this year and the millage was set and by law they knew that the Governor of Pennsylvania would have to issue a proclamation by May 1, 1941, taking over these institutions.

Mr. GELTZ. Mr. President, that can be answered the same as what they knew in 1939: it did not take place. They knew the state was to take them over in 1939, too, but it did not.

Mr. BARR. As I understand it, Mr. President, Philadelphia had their institution taken over, and I think, Senator Geltz, as a Senator from Allegheny, you certainly should have represented our County of Allegheny and the City of Pittsburgh so that the taxpayers there would get the same benefit as the taxpayers in Philadelphia.

Mr. GELTZ. Is that a question, Mr. President?

Mr. BARR. I guess that was a statement. Well, Mr. President, I do not blame the Governor for asking the counties to put up seventy-five per cent for a W. P. A., if they will let him get away with that. There is a law on the statute books that the Governor, by May 1, 1941, must take over the mental institutions in this state, and here we are at the end of June, and he still is trying to hedge. I do not blame the Governor for asking for anything, if they have a lot of weaklings over there, but the Governor should obey the law the same as anybody else.

I desire to further interrogate the gentleman from Allegheny, Mr. President.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. BARR. Mr. President, does the gentleman from Allegheny, Mr. Geltz, know what the cost would be to Allegheny County and the City of Pittsburgh, if the Governor does not take over these institutions according to law.

Mr. GELTZ. I did not know, Mr. President, when we were discussing this matter. I do not carry figures in my head too well, but if the gentleman from Allegheny, Mr. Barr, has them written down, I would not object to him reading them.

Mr. BARR. I do not have them written down, Mr. President, but I can tell the gentleman what the cost would be: it would be \$1,200,000 to the city and the county, and if the Governor of the Commonwealth is so interested, as the gentleman said, in the mental patients throughout this state, why then does he not open the Psychiatric Hospital on High Street in the City of Pittsburgh, which has stood there as an open monument, you might say, ever since he became Governor.

Mr. GELTZ. Mr. President, I understand one reason that building has not been opened was that it was improperly constructed; they found the ceiling of the boiler room was a foot and a half lower than the state requirements.

Mr. BARR. I would suggest, Mr. President, then, that the Department of Labor and Industry or some proper department should change or fix that boiler room so that the hospital can be opened.

Mr. GELTZ. Mr. President, I can well understand Senator Barr's concern about this matter, because I think he is, in addition to being a State Senator, secretary either of the City or County Democratic Committee back in Allegheny County, and I was informed over the week-end—I do not

know whether it is accurate—but I was told that the city had already given away what it would save, by having the maintenance of that institution taken over by the state, in increases and raises to various payrollees, so they will be hard put in getting that money back.

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Allegheny further.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. BARR. Mr. President, where did my colleague from Allegheny get such information that the City of Pittsburgh is raising salaries far beyond what it would save the city by the state taking over the institutions. Where did the gentleman get that information.

Mr. GELTZ. Mr. President, I got that information from the so-called "courthouse boys" who are a part of Senator Barr's organization.

Mr. BARR. Mr. President, I would like to know who the person or persons were he talked with.

Mr. GELTZ. Mr. President, I will not put that individual or those individuals on the spot and have him or them excommunicated from that splendid organization.

Mr. BARR. Mr. President, does the gentleman from Allegheny know that any increases in salary granted by the City of Pittsburgh must be by councilmanic action, and the gentleman knows, I presume, such action had not been taken, and I do not see why he should make the statement it has been done and the raises were far above what we would save if the state took over these mental institutions.

Mr. GELTZ. I did not say "far above," Mr. President; I said it was the same amount, from the information I received.

Mr. BARR. Mr. President, for the information of the Senate there have not been any raises granted in the City of Pittsburgh in the last month, and that I can tell you as a fact.

Mr. GELTZ. I know, Mr. President, but they have been expecting this for the last six months, but so they had five months before the last month to give those raises.

Mr. SHAPIRO. Mr. President, I desire to answer one or two things, referred to in the statement made by the gentleman from Allegheny, Mr. Geltz. First of all, he did not quote me accurately.

The PRESIDENT. The Chair dislikes to interrupt the gentleman from Philadelphia, Mr. Shapiro, but the Chair understands that the gentleman from Lackawanna, Mr. Coleman, wishes to call the order of the day.

Mr. COLEMAN. Mr. President, I was going to preface my calling the order of the day by saying that I do not want to stifle debate, but I direct the Chair's attention to the official order of the day which is on the Calendar for 4:45 p. m.

The PRESIDENT. The matter under debate will be suspended for the present in order that the Senate may take up the special order of business. The Chair will recognize the Senator from Philadelphia, Mr. Shapiro, immediately after disposition of this bill.

SPECIAL ORDER OF BUSINESS AT 4:45 O'CLOCK,
P. M., E. S. T.

BILL ON THIRD READING AND FINAL
PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1270, (House Bill No. 1661), as follows:

An Act to amend section three of the act approved the tenth day of May one thousand nine hundred and thirty-nine (P. L. 111) entitled "An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws" providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the tenth day of May one thousand nine hundred thirty-nine (P. L. 111) entitled "An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws" is hereby amended to read as follows

Section 3 The Department of Commerce shall have the power and its duty shall be

(1) To investigate study and undertake ways and means of promoting and encouraging the prosperous development and protecting the legitimate interests and welfare of Pennsylvania business industry and commerce within and without the Commonwealth

(2) To investigate study and undertake ways and means of expanding markets and promoting and developing new markets for Pennsylvania products

(3) To promote and encourage the location and development of new business industries and commerce within the Commonwealth

(4) To investigate and study conditions affecting Pennsylvania business industry and commerce and to collect and disseminate information and engage in technical studies scientific investigations and statistical research and educational activities necessary or useful for the proper execution of its duties in promoting and developing Pennsylvania business industry and commerce within and without the Commonwealth

(5) To cooperate with and assist persons firms associations corporations cooperative associations and other organizations and the political subdivisions of the Commonwealth in the execution of its duties and functions under this act

(6) To make to the General Assembly from time to time recommendations for the remedy or improvement of any conditions and the elimination of any restrictions and burdens imposed by law or otherwise existing which adversely affect or retard the development and expansion of business industry or commerce

(7) To initiate promote and conduct or cause to be conducted research designed to further new and more extensive uses and consumption of natural and other resources and their by-products and for such purposes to enter into contracts and agreements with research laboratories maintained by educational or endowed institutions in this Commonwealth and to expend appropriations made to the department for such purposes

(8) To investigate and study conditions of unemployment and to recommend specific remedies for the allevia-

tion of such conditions and aid in restoring employment in communities affected thereby in order that the burden of public relief may be lessened

(9) To aid and promote the elimination of unfair competition and trade practices tending to impair price stability and which are harmful to the financial soundness of business industry and commerce and to the wages and working conditions of employes

(10) To encourage and develop commerce with other states and foreign countries and to devise ways and means of removing trade barriers hampering the free flow of commerce between this and other states

(11) To cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business industry and commerce

(12) (a) To promulgate a "Production Control" plan or plans or amendments thereof upon written petition and with the approval of Pennsylvania producers of seventy-five per centum of the Pennsylvania output of any United States mineral resource industry located preponderantly within the Commonwealth or to adopt and promulgate any such plan or plans in operation at the time of the enactment of this act with the sanction of Pennsylvania producers of seventy-five per centum of the Pennsylvania output of such industry and to administer or secure the co-operation of others including State officers producers' representatives or employes' representatives in any industry where there are general collective bargaining arrangements in administering such plan or plans or amendments thereof upon a voluntary basis Provided however that no production control plan or rules or regulations relating thereto shall apply to producers who are not petitioning producers or who do not otherwise assent to the production control plan promulgated and adopted

(b) A "Production Control" within the meaning of this act is any system of regulated production in any industry as above defined which concurrently controls the daily weekly or monthly volume of allowable production of said industry in Pennsylvania for the purpose of adequate supplying market demand avoiding waste of mineral resources or the exploitation thereof without adequate return to the Commonwealth her political subdivisions and people protecting capital invested therein from unwise depletion and dissipation promoting employment and security for the payment of wages and benefits to those employed in such industry and achieving other express purposes of the Commerce Law (1) by allocating or apportioning to each producer in the industry a fair and equitable distributive portion of the total allowable production (2) by providing for the adjustment of inequities in assigned distributive portions and for fair and equitable adjustments of distributive portions whenever transfers of mineral properties or facilities take place between or among producers based upon the position in the industry fairly and equitably attributable to such properties or facilities (3) by providing for the admission under such plan of new operations and for the assignment of a fair and equitable distributive portion of the total allowable production to such operations (4) by providing where applicable for the establishment of fair and equitable standards of preparation to ensure purity and proper sizing and grading of the product (5) and also by establishing and providing for reasonable rules and regulations to effectuate such control plan

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. WATKINS. Mr. President, Members of the Senate, it is with a sincere conviction that the passage of House Bill No. 1661 will be a big step toward the return of prosperity to the long harassed anthracite region that I appeal to my colleagues in the Senate to support it. Capital represented by the coal operators and labor by

the United Mine Workers of America are wholeheartedly asking for the passage of the bill. The anthracite region of Pennsylvania is a strange country to many of the members of the Senate. To know it you must either be born there or live there the greater part of your lifetime. It is made up of the most hospitable people found anywhere in the world—friendly, courageous, liberal-handed to a fault—and the kind of people who having once attached themselves to the coal land cling to it tenaciously even though conditions seem to demand that they leave. With the advent of the depression, with strikes and labor disputes and with competitors in the fuel market, the usually prosperous anthracite action experienced its worst economic crisis. Markets were lost, price wars were on, bankruptcy followed bankruptcy. All kinds of cures were suggested, all kinds of remedies applied but to no avail, and it began to seem that anthracite was through. There was a time when the nursery rhyme, "Ole King Cole was a Merry Ole Soul, and a merry old soule was he" rang true but in the anthracite region of Pennsylvania Ole King Coal is a very sad soul and a very sad soul indeed. Unlike other depressed industries in the country the Federal Government entirely ignored the economic troubles of the anthracite counties of Pennsylvania. While Congress with a liberal hand was subsidizing the farmers of the Middle West, the cotton growers of the South and almost every group hit by the depression, there was no help of any kind for the impoverished anthracite region of Pennsylvania. For some years the industry had been experiencing a diminishing market due to the inroads of competitive fuels. Market demand dropped from a peak of eighty million net tons to a low of forty-three million. Productive capacity remained far in excess of requirements. All of this brought about chaos in the industry and it faced almost complete bankruptcy. In the town in which I live, the Borough of Frackville, since 1936 down to 1939 every colliery that contributed to the prosperity of the surrounding territory closed their doors in bankruptcy. The great Madeira, Hill and Company, whose main offices were in my town, with five subsidiary producing companies, shut down, putting out of work thousands of men. The biggest coal producing company in the lower anthracite region, The Philadelphia and Reading Coal and Iron Company, went into a reorganization under the Federal Bankruptcy Act. This company was long thought to be the Gibraltar of coal. Most of the people in the lower anthracite region were unemployed, looking to W.P.A. and the relief rolls for sustenance. Counties, cities, boroughs and townships suffered because of the failure of the companies to meet their tax obligations. School Districts likewise were without funds and school teachers went unpaid. It was during this period that independent mining or bootlegging, which has become such a source of irritation to the Pennsylvania Legislature, came into being. The unemployed men of the region set themselves up as independent coal producers in order to feed their families. Producers were unable to meet tax obligations, social security and unemployment taxes went unpaid and the communities as well as the producers were in a state of insolvency. Many companies were forced to concentrate their operations, throwing thousands of men out of work. Other companies were forced to close entirely, putting additional thousands of men out of work. A few of the bankruptcies of recent years are: Centralia Colliery Com-

pany, Fidelity Fuel Company, Indian Head Anthracite, Madeira, Hill and Company, Merriam Coal Mining Company, Excelsior Coal Company, New Mokin Coal Company, Northumberland Mining Company, South Penn Collieries Company, Bear Valley Coal Company. All of these companies were operating in Northumberland, Schuylkill and Columbia Counties. The picture in other counties was no better.

Several attempts were made in the last ten years to stabilize the industry but they all failed. Success was finally attained when Government for the first time recognized the serious condition existing in the anthracite field. The present anthracite emergency program was brought into being in January, 1940, and to the everlasting credit of Governor James and his wise administration, government for the first time gave its blessing to an organization looking toward the stabilization of the industry. The Anthracite Emergency Commission came into being through the joint efforts of the state, labor and the operators. A price war had been on in which coal was being sold beneath the production cost and only those few companies with strong cash reserve could have survived. It is a voluntary program which relates production to market demand and avoids ruinous surpluses. Its success in stabilizing the industry has been phenomenal. Each signatory company is allotted its share of the total production. Not a single bankruptcy has occurred in the industry since the inception of the plan. Those employed are secure in their jobs. Many additional men, principally so-called bootleggers, are being reemployed in legitimate mining under a special provision of the emergency program. After a year and one-half of its existence the operating companies that had been operating in the red are now operating in the black. I can safely say that if it had not been for the creation of the Anthracite Emergency Commission such operations as the East Bear Ridge Colliery Company, Gilberton, Pennsylvania, Colonial Colliery Company, Natalie, Pennsylvania, Hammond Colliery Company, Girardville, Pennsylvania and many, many others would not be successfully operating today. There is nothing compulsory about the commission. It is entirely voluntary. The operating company may come in or stay out. The operating company that goes in may leave at its discretion. The bill before you now seeks only to continue this plan on a voluntary basis and to give the blessing of the Legislature to a program sponsored by labor, capital and the state and which has been functioning successfully for one year and a half. The Commonwealth of Pennsylvania feels that it had a perfect right under the law to cooperate with the Anthracite Emergency Commission. There is nothing in this act aimed at any particular group of operators or aimed at any particular group of people. There is nothing in the bill aimed at the independent miner or bootlegger. No sensible man will contend that bootlegging is a healthy situation in the anthracite region. I am the last man in the world to argue for the perpetuation of a system that sends men out into the mountains, taking their very lives in their hands without the protection of any compensation benefits and social security to eke out a bare living for themselves and their families and at the same time make fortunes for a few individuals taking advantage of the independent mining situation. The loss of life and the toll of injury among the bootleg miners

in the lower anthracite field is appalling. Fortunes have been made at the expense of that loss of life and toll of injury by that type of individual who makes a business of fattening his pocketbook even with the blood of the poor. I have said that this is a voluntary agreement and that if the law is passed the entry into or the departure from the plan is entirely voluntary so that there is nothing in this act to possibly imperil the position of those who champion the cause of the independent miners. However, it is my considered opinion that the continued operation of this plan under the blessing of the Legislature by the adoption of this act will see the return of prosperity to the anthracite regions of Pennsylvania and in that return of prosperity to the anthracite region I see too the ultimate elimination of independent or bootleg mining. The stabilization of the industry, under this plan, if it continues to improve as indicated by its year and a half of operation, will see the reopening of colliery after colliery, of mine after mine and the reemployment by the coal producing companies of the unemployed miners now engaged as bootleggers. I have fought all attempts to destroy bootlegging under the economic conditions that existed in my district during the past few years. I intend to continue to befriend and attempt to justify the independent miner but that defense and justification ends when the producers of coal in the anthracite fields offer legitimate employment to the men who are now endangering their lives in the man-traps known as bootleg holes. As a lawyer it is impossible for me to justify logically the theory of self-help that lies behind the problem of the independent miner. But I have lived among these people—they are my people—and there are times when logic fails just as it does when it comes into collision with faith. The economic turmoil that created the unhealthy situation existing in the lower anthracite fields of Pennsylvania destroyed many things that law and logic so far have failed to rebuild. It is my fervent belief the Anthracite Emergency Plan has within its folds the remedy that may cure the economic situation that brought independent mining into being. The independent miners themselves will welcome the opportunity to resume legitimate employment with the security and protection that goes with the employment. The only ones who will regret it will be the vultures who have taken advantage of the economic situation in the anthracite fields to be in at the economic death of an industry and make fortunes out of the labor and danger of the daily toil of the so-called bootlegger.

I appeal to my colleagues in the Senate to support this measure, which I honestly and sincerely believe will begin a new era in the anthracite counties of Pennsylvania.

Mr. MUNDY. Mr. President, I do not like to detract from credit where credit is due, but I also do not believe that anybody in an executive position should receive credit which is not his due.

The Senator from Schuylkill, unfortunately, in discussing this bill, said that it was by act and action of the Governor that this situation was brought about in 1937. In the 1937 session a bill paralleling this bill came before the Senate of Pennsylvania and we had a very distinct and lively discussion on the merits of the bill at that time. The bill was drawn, unfortunately, we felt, in favor of certain corporations up there and we objected to it, and after the defeat of that bill there was a certain amount of

chaos ensued in the anthracite industry. The independents and the old line companies began a price war and it became a question of the survival of the fittest and the entire industry was seriously injured because of that situation. But I wish to correct the Senator from Schuylkill, it was not the Governor of Pennsylvania who stepped into the breach and insisted that this be brought about. It was the United Mine Workers of America, through their leadership, who called in the operators in October of 1937, and told them they must put their house in order, and as a result of that definite order from the organized mine workers, a voluntary allocation plan was brought about, and because of that voluntary allocation plan, the industry has thrived, the operators have made money, and the men have been able to receive more employment and the wage rate has been able to go up, and because this voluntary allocation plan was a success and the industry has thrived and the men profited by it, this bill was brought before the General Assembly and put on the Calendar, so that the thing might have a certain degree of permanency, and so that the Department of Commerce of the State of Pennsylvania would participate.

Mr. President, the industry needs this bill very badly and the industry deserves this bill, because it has shown that under those regulations it has been able to thrive, and certainly the mine workers of Pennsylvania deserve some consideration at the hands of the members of the Senate and the members of the General Assembly. I am asking my colleagues to vote for this bill.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr.	DiSilvestro,	Kephart,	Stevenson.
Bartlett.	Ealy	Lanius.	Stiefel.
Becker,	Edmonds,	Letzler.	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Detrick,	Jaspan,	Snowden,	Wilson, T. B.,
Dent.			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

PERMISSION TO ADDRESS SENATE

Mr. SHAPIRO. Mr. President, I desire to continue with my previous statement, interrupted by the Special Order of Business.

The PRESIDENT. The gentleman from Philadelphia will proceed.

Mr. SHAPIRO. Mr. President, I want to correct the statement of the gentleman from Allegheny. I was not properly quoted. I did not tell the Governor in the words

suggested by the gentleman from Allegheny about the W. P. A., but what happened was, as we were all walking, the Governor raised this question of a W. P. A., and was so amazed that a Republican Governor of this Commonwealth wanted to establish a W. P. A., with a smile on his face I said to him, "Governor, you do not think, after the Democratic Party has established itself in the nation through the W. P. A., that they are going to allow the Republican Party to establish itself in the nation or the State through a W. P. A." Of course, I have no doubt that the gentleman from Allegheny, Mr. Geltz, either did not know the rest of it or has forgotten it. However, I have said very frankly and I told the Governor, that that picture presented a political situation, just as well as it did a practical one. I could not answer, as I have said, as to what the Democratic Party program would be on a proposition of that. That is a political proposition and has nothing to do with the one we agreed on.

I want to make this suggestion also, that I do not agree with the Governor can not take these hospitals over without additional taxes, and I do not agree he will not have the money. I might cite to you a very interesting detail of the conferences and I cite it because I do not believe they were private; I believe every member of the House and Senate has the right to know what occurred, and so every citizen of the Commonwealth.

During the course of the conference it became quite evident that even if the plan proposed was agreed upon and carried out it would require at least five and one-half millions of dollars additional, and in spite of all the statements we have heard here that the income would not be less than what the Governor set in his budget, and that they were bound by the estimates of his estimators, the next morning the estimators came in and said they could increase their estimates by five and one-half millions of dollars. Why, where, how? Well, three and a half millions of dollars from the net corporate income tax, which the amateur estimators, estimated at sixty-six million dollars, and the Governor's professional estimators at twenty-one and one-half million dollars, which has now become sixty-five million dollars, so that in the course of these discussions in three meetings, we have increased the estimate of receipts from the net corporate income tax by three and a half million dollars, and if the Governor would hold two or three more meetings we probably would have gotten another three and a half millions.

Now, Mr. President, I want to make it clear also that I have no intention of saying that I was the only one who anticipated who had any human instincts. I made a personal reference, which I hope my colleagues will pardon, because I had been so closely in touch with this mental institution for about two years, and, in passing, I think I can compliment my colleagues by saying also that even members on the Republican side were very much interested and helpful in the situation.

I want to clear up also the Allegheny situation. We felt it would not be fair, and I think it was Mr. Achterman who suggested that the impression should not be created that Philadelphia and Allegheny were coming out of those conferences with an advantage over other communities. We suggested there ought to be a reduction in the one dollar per week contribution the counties make to the State, and after some further discussion there was agreed upon a half a dollar reduction, which would result

in the saving of considerable money to many of the counties in dollars and cents; I think it would amount to somewhere in the neighborhood of two and one-half millions of dollars.

The Allegheny County part of the picture was this, and I think the gentleman from Allegheny, Mr. Geltz, did very well when he worked out that solution for his county, and that was this, that the Governor was only willing and had considered only taking over the one institution, and as a result of that the Governor agreed to take over the two institutions, both institutions.

While I do not want to detract from my colleague from Allegheny Mr. Barr's interest in the matter, probably due to the fact that I had not explained it, Allegheny County was taken care of to the extent that both institutions were to be taken over. Where the trouble arose in his county was, the county having made up in its budget and having some three thousand patients in its institutions, would be obliged to continue to pay three dollars per week and that means \$9,000 a week or \$450,000 per year. The city, having made up its budget, would suffer some loss. It also has around three thousand or thirty-two hundred patients, and would also suffer a loss of \$450,000, but it had already included that in its budget, so when the picture was changed so that the rate would be \$2.50, the city would save approximately \$225,000 in this year's budget. The county, however, instead of paying three times three thousand dollars per week, would pay two and one-half times three thousand, or \$7,500 a week instead of nine thousand; therefore the county would have saved \$1,500 per week, which multiplied by fifty, amount to \$75,000 but it still would have been out in its budget the \$2.50 per week for its three thousand patients, which is a considerable sum of money.

Now, Mr. President, we felt that even at that, Allegheny County had a right to protest, and when Allegheny County asked for a few days to talk the matter over with their commissioners, the Governor and I both agreed they should have that right and they were given that right to talk it over, and when they came back with the answer they could not agree to it, all of us felt, as I said before, the Commonwealth was more than one or any county. I agreed one hundred per cent with the position taken by Allegheny County, that they had the right to do as they did; they had the right to complain; they felt that they had on two or three separate occasions been misled by the conduct of this administration in connection with mental institutions. I felt that attitude—would not get us anywhere, as we would have to come to some sensible—agreement.

I do not think it is fair to say that I did not present the argument today that I presented to the Governor, because what happened yesterday was that I refused to discuss the value or the merits or demerits of the W. P. A. with the Governor yesterday, because the Governor insisted upon tying it up with the settlement we had already made, and not only I but my colleague, Mr. Achterman, agreed this was one thing which had nothing to do with the other, because if we had fifteen or twenty points of a program to discuss, and if we kept them all open, by the time we got the fifteenth settled, the first ten would be already unsettled, and my suggestion to the Governor was to put through the legislation necessary to carry out the agreements we had already reached, and proceed to hold additional conferences on the W. P. A. and legislation on

other controversial subjects, and that in my opinion was the logical and sensible way to do it, but the Governor, having full responsibility, had seen fit to do otherwise and it is his responsibility and his baby.

Mr. WALKER. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. I will, Mr. President.

Mr. WALKER. Mr. President, I desire to ask the gentleman from Philadelphia what is the present status of the mental institutions in the County of Allegheny?

Mr. SHAPIRO. Mr. President, at present the Commonwealth of Pennsylvania owns and controls one of the institutions and Allegheny County owns the other.

Mr. WALKER. I desire to further interrogate the gentleman from Philadelphia?

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be further interrogated?

Mr. SHAPIRO. I will, Mr. President.

Mr. WALKER. I desire to ask the gentleman from Philadelphia if there was not an agreement made at this conference whereby those two institutions would be taken over and the county and city would pay so much per head for the operation of the hospitals.

Mr. SHAPIRO. That is correct, Mr. President.

Mr. WALKER. I desire to ask the gentleman from Philadelphia if there was some agreement as to Byberry, which is located in Philadelphia County.

Mr. SHAPIRO. Mr. President, the agreement was made state-wide. Every county instead of paying \$3.00 per week, would pay \$2.50 per week. I would like to call attention to the fact that Philadelphia has been charged, ever since the date it was taken over, with \$3.00 per week, and will pay it, will have to pay \$3.00 per week, which amounts in Philadelphia to three times six thousand—I think it is \$940,000 a year—and Philadelphia is obligated to pay the state \$1,380,000 for the last two years, and the state, as I understand it, will deduct it from the money that is due to Philadelphia, so that Philadelphia has not been in any better position than Allegheny County.

Mr. WALKER. Mr. President, do I understand that the same arrangement that was made for the two institutions in Allegheny County was made for Byberry yesterday?

Mr. SHAPIRO. Mr. President, the arrangement made did not concern Byberry. The arrangement made concerned Allegheny County, in a special arrangement, and all of the other counties in a separate arrangement. The special arrangement for Allegheny County was that those two institutions would be taken over physically and bodily by the state and managed by them; the other county institutions would not be taken over and all counties would pay \$2.50 per week to the state instead of \$3.00, for local county patients in state hospitals.

Mr. WALKER. May I further interrogate the gentleman from Philadelphia?

The PRESIDENT. If there is no objection the gentleman from Allegheny may proceed.

Mr. WALKER. Mr. President, I desire to ask the gentleman from Philadelphia if the arrangements made for Byberry and the arrangements made for Allegheny County were the same, that is, \$2.50 per head.

Mr. SHAPIRO. That is correct, Mr. President.

Mr. WALKER. And I understand, that arrangement is still in existence or that it has collapsed.

Mr. SHAPIRO. That arrangement has collapsed, Mr. President.

Mr. WALKER. Then, Mr. President, am I to understand that there was no arrangement made by this conference group with regard to the mental institutions Allegheny County.

Mr. SHAPIRO. Mr. President, that arrangement made required enactment of legislation to put it in effect; the legislation has not been offered; the conference was adjourned, the meeting is over and we start from scratch.

Mr. WALKER. Do I understand, Mr. President, that there is no arrangement made? If you will forgive me, may I suggest to the gentleman from Philadelphia that he have lost the answer in the gentleman's urgent desire to bring in a little politics and I am very much interested in my county institutions—but I understand it that this arrangement has collapsed and there is no arrangement covering the mental institutions in Allegheny County.

Mr. SHAPIRO. Mr. President, there is a situation which covers Allegheny County more particularly and more beneficially, I should say, than for other counties. The Governor has taken physical possession and is paying the expenses of one institution. In the other county the law says the Commonwealth now is responsible for the costs. If we do nothing about it, that will be the situation.

Mr. WALKER. I understand the state also took physical possession of Byberry?

Mr. SHAPIRO. Two years ago, Mr. President.

Mr. WALKER. Therefore, we are just two years behind Philadelphia.

Mr. SHAPIRO. If the gentleman from Allegheny wants to know, Mr. President, I think Allegheny is about twenty years behind Philadelphia.

Mr. WALKER. Mr. President, may I suggest the reason for that is that about one hundred and fifty years ago a bunch of smart boys in Philadelphia were running the Commonwealth, and before long they discovered that the only distilleries in Pennsylvania were out in western Pennsylvania, so they proceeded to tax all whisky distillers in Allegheny, because they did not have any in Philadelphia, and as a result they have been trying to hang taxes on us ever since, and we have been resenting it right along, but gradually we will catch up to Philadelphia.

Mr. DENT. Mr. President, the only observation my fellows can make, coming from counties outside of Philadelphia and Allegheny, is that it is the conception of certain people coming from Allegheny and Philadelphia Counties that the State of Pennsylvania is composed of Philadelphia, on the one hand and Allegheny on the other, and nothing in the middle. I want to say in kindness to the gentleman that there was no confidence betrayed by the gentleman from Philadelphia because I read in the paper, what the Governor had to say about the situation. The paper said the Governor had decided since he could not direct the lower house of the General Assembly and have them do what he wanted them to do on W.P.A., he was going to a tea party in Boston.

Mr. BARR. Mr. President, I do not desire to retract.

anything I have said in connection with this arrangement not taking over these institutions we have.

Replying to one of the questions of my interrogation concerning activities in the matter of the burden of the mental hospitals, the gentleman from Allegheny cast aspersions upon my employment as secretary of the Allegheny County Democratic Committee. His purpose, of course, was to becloud the issue and to draw from that position the inference that I was worried about my political job. It is no secret, that I am secretary of the Democratic Committee of Allegheny County, because the voters in my district knew it before I was elected and they also knew I would represent the home owners and the local taxpayers against keeping the load of proper government expenses from the shoulders of big industry and manufacturers and allowing it to rest improperly upon the shoulders of the local home owners. Now, Mr. President, if the gentleman from Allegheny opens to represent the manufacturers association and is interested in its welfare, he certainly can not object to my working in my present position, and I repeat that I was not hired or appointed after I was elected to the Senate.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Appropriations, reported as committed, Senate Bill No. 851, (House Bill 1442), entitled:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1212, (House Bill 1760), entitled:

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite and directing such commission to make a report and recommendations to the General Assembly conferring certain powers upon such commission including the power to issue subpoenas administer oaths and affirmations retain employes and expend funds and making an appropriation.

PERMISSION TO ADDRESS SENATE

Mr. HALUSKA. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The gentleman from Cambria will proceed.

Mr. HALUSKA. Mr. President, I have no intention of delaying this proceeding, but I have listened patiently to the remarks made by the gentleman from Allegheny, Mr. Metz, and the gentleman from Philadelphia, Mr. Shapiro, in trying to satisfy myself just why we are in this deadlock, whether it is because of the state institutions or rather, as stated on the floor, because of the Little W. P. A., and so I would like very briefly to give my opinion of W. P. A.

Last Saturday afternoon I had come to my office 103 persons, in three groups, protesting the fact that they had received their 403's, which means they were dismissed. I say that none of them were under the age of forty—from forty-five to sixty.

Now, Mr. President, if this W. P. A. bill means, or if the Governor means to say he has the intention of putting the men back to work, I say that bill should be passed;

I do not care whether it is political or not. I am sick and tired of having men stand up on this floor and playing politics all day long. I am a Democrat, but that makes no difference. I have been around this floor since 1934, and I have never been called into conference, either when the Democrats were in power or while the Republicans were in power. I care not for the conference. I speak for myself and think for myself, and if that W. P. A. bill has any merit and if it should be the intention of the Democratic Party to defeat that bill, purely for political reasons, I think something should be done about it. These men are old, they have no place to go, and as I said a moment ago, I had 103 persons living adjacent to my community that have been dismissed since last Thursday.

Now, Mr. President, what are they going to do? There is no place for them in private industry, they are too old, they can not go back to the mines, they cannot go into the mills, they can only hope they can earn a livelihood working for the W. P. A., and if the Federal Administration has made up their minds to cut down W. P. A. to the small figure that the papers state they will, then I do believe sincerely that this administration is doing the right thing by adopting a program to take care of our people who can not get back into private industry, and I think our Democratic leaders should have another conference with the Governor and go into the details of this bill. If it has any merit, they should pass it, because I think it is very, very important.

Mr. JASPAN. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Shapiro.

The PRESIDENT. The Chair rises to a point of order. What is before the Senate?

Mr. JASPAN. Mr. President, I desire to know what are the prospects as to adjournment, if the gentleman from Philadelphia knows.

Mr. SHAPIRO. I do not know, Mr. President.

Mr. JASPAN. Mr. President, I also desire to know who is responsible for the delay as to adjournment, if the Senator from Philadelphia knows.

The PRESIDENT. The gentleman from Philadelphia will have to address his inquiry to the particular Senator.

Mr. JASPAN. Mr. President, I am addressing it to our so-called Floor Leader.

REPORT FROM COMMITTEE

Mr. MALLERY, from the Committee on Highways, reported as committed, Senate Bill No. 1260, entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing a certain route.

NOMINATIONS BY THE GOVERNOR CALLED UP FROM THE TABLE

Mr. JAMES. Mr. President, I now call up from the table nominations by the Governor.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.
The nominations were read as follows:

APPOINTMENT AS JUSTICE OF THE PEACE IN MONTGOMERY COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1941.
To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to
nominate for the advice and consent of the Senate
Horatio Batezell, 101 Lismore Avenue, Glenside, Mont-
gomery County, for appointment as Justice of the Peace
in and for the Township of Cheltenham, Montgomery
County, until the first Monday in January, 1942, vice
Richard J. Refsnnyder, resigned.

ARTHUR H. JAMES.

MEMBERS OF THE BOARD OF TRUSTEES OF *SLIPPERY ROCK STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg.

W. Lee Gilmore, Pittsburgh, from June 3, 1940, for the
term of four years, and until his successor is qualified.

Clyde C. Green, New Castle, from June 3, 1940, for the
term of four years, and until his successor is qualified.

John L. Wise, Butler, from June 3, 1940, for the
term of four years, and until his successor is qualified.

Jack M. McDonald, Slippery Rock, from June 3, 1940,
for the term of four years, and until his successor is
qualified.

Byron H. Canon, Pittsburgh, from June 3, 1940, for the
term of four years, and until his successor is qualified.

Stacy T. Dean, Greenville, from June 3, 1940, for the
term of four years, and until his successor is qualified.

(Mrs.) Marion Foster Smith, Butler, from June 3, 1940,
for the term of four years, and until her successor is
qualified.

(Mrs.) E. Grace McCauley, Beaver, from June 3, 1940,
for the term of four years, and until her successor is
qualified.

ARTHUR H. JAMES.

MEMBERS OF THE BOARD OF TRUSTEES OF EASTERN STATE PENITENTIARY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg.

Herbert M. Goddard, Philadelphia, from May 17, 1940,
for the term of four years, and until his successor is
qualified.

Louis N. Robinson, Swarthmore, from May 17, 1940,
for the term of four years, and until his successor is
qualified.

Matthew A. Roth, Philadelphia, from May 17, 1940, for
the term of four years, and until his successor is qualified.

David E. Watson, Philadelphia, from May 17, 1940, for
the term of four years, and until his successor is qualified.

W. Atlee Burpee, Jr., Philadelphia, from May 17, 1940,
for the term of four years, and until his successor is
qualified.

Vincent deP. Henderson, Philadelphia, from August 8,
1940, for the term of four years, and until his successor
is qualified.

ARTHUR H. JAMES.

Mr. JASPAN. Mr. President, will the reading clerk
again read the names of the nominees for the Board
of Trustees of the Eastern State Penitentiary?

The Clerk again read the nominations.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. MILLE
That Rule 38, which requires nominations made by th
Governor, to lie on the table one day be dispensed wi
and the Senate do now resolve itself into Executiv
Session, for the purpose of acting upon all the nomina
tions reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. MILLE
That the Senate do advise and consent to the nomina
tions reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the pro
visions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Hornsher,	Ruth,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Detrick,	Jaspan,	Snowden,	Wilson, T. B.,
Dent,			

NAYS—0

Two-third of all the Senators having voted "aye" th
question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executiv
Session do now rise.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

MOTION TO DISCHARGE COMMITTEE ON JUDICIARY GENERAL

Mr. CAVALCANTE. Mr. President, last week I wa
exceedingly pleased to hear two gentlemen from Alle
gheny, Mr. Geltz and Mr. Walker, placed before this bod
the reasons why the work in the Allegheny County cour
is congested. One of the reasons they gave us was th
fact that many of their judges engage in just a littl
too much political activity.

Now, Mr. President, I want to call to the attention
those gentlemen and the other gentlemen of the Senat
that early in this session I introduced a bill purposed
to eliminate a condition of that kind. I introduced
bill which made it unlawful for a judge to engage i
political activities other than in political activities aime
at his candidacy for judge of any court of record in th
Commonwealth.

Mr. President, in view of the remarks of the tw
gentlemen from Allegheny, I am more convinced no
than ever that that bill is a very necessary bill, and
I have been told from the floor of this Senate that ther
is little hope that bill will be reported out by that com
mittee, of which I am a member, I wish to make th
following motion.

Mr. CAVALCANTE. At this time, Mr. President, I desire that the Committee on Judiciary General be discharged from further consideration of Senate Bill No. 1053, Printer's No. 20.

Mr. HALUSKA. I second the motion, Mr. President. In the question,

Will the Senate agree to the motion?

Mr. WALKER. Mr. President, I would like to call attention of the Senate to the fact that Senate Bill No. 1053 was recommitted to the Committee on Judiciary General on February 24, according to the History on my part. I think that is the bill the gentleman from Fayette County refers to.

Mr. CAVALCANTE. Yes, Mr. President.

Mr. WALKER. Mr. President, that bill is still in committee.

And the question recurring,

Will the Senate agree to the motion?

Mr. JAPAN. Mr. President, I feel I should be recorded as voting "no"; Senator Stiefel and I have made peace.

The PRESIDENT. The vote of the gentleman from Philadelphia will be so recorded.

Mr. DENT. To be consistent, Mr. President, I would like to be recorded as voting "aye" I have always voted in favor of discharging committees. I will vote against the bill if it comes up, but I will vote to give the Senators anance to vote on the bill.

The PRESIDENT. The vote of the gentleman from Vermont will be so recorded.

The yeas and nays were required by Mr. Cavalcante and the yeas as follows, viz:

YEAS—5

Cavalcante,	Haluska,	McQuiddy,	Reed,
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NAYS—38

Stiefel,	Ealy,	Lanier,	Stiefel,
Stiet,	Edmonds,	Letzler,	Tallman,
ker,	Farrell,	Mallery,	Taylor,
r,	Frey,	Miller,	Thomas,
apman,	Geltz,	Mundy,	Tyler,
ier,	Heyburn,	Ruth,	Wade,
we,	Homsher,	Shapiro,	Watkins,
rick,	James,	Snowden,	Wilson H. I.,
divestro,	Jaspan,	Stevenson,	Wilson, T. B.,
	Kephart,		

Present—Walker.

And the question was determined in the negative.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. S. S.) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were read as follows:

Senate Bill No. 212, entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the State and to make uniform the law with reference thereto.

Senate Bill No. 782, entitled:

An Act to further amend subsections (a), (b), and (c), of section one thousand two hundred and one of the act,

approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings; and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act." further providing for assessment of regulatory expenses upon public utilities.

Senate Bill No. 788, entitled:

An Act to amend sections one and two of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereof; and providing for the suspension of the registration of any motor vehicle, or of the operator's license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provision of the public utility company law; authorizing the recission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle.

Senate Bill No. 789, entitled:

An Act to amend section eleven of the act, approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsyl-

vania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by expressly providing for administration of the Public Utility Law of June first, one thousand nine hundred and thirty-seven (P. L. 1053), by the Public Utility Commission; and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

TIME OF NEXT MEETING

Mr. TALLMAN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, June 30, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, July 7, 1941, at 3:30 o'clock P. M. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, July 7, 1941, at 8:00 o'clock P. M. (Eastern Standard Time).

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

CONDOLENCES ON THE DEATH OF IGNACE PADEREWSKI, FIRST PREMIER OF THE REPUBLIC OF POLAND

Messrs. HALUSKA and DENT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, June 30, 1941.

Ignace Paderewski died last night in New York after a lifetime devoted to the expression of the highest ideals towards which any human being can aim.

His fame as a musician was world renowned, and, to those of us who have been fortunate enough to attend his concerts, he will always remain as a symbol of all that is great in the art of the interpretation of music through the medium of the piano.

Just as he was preeminent in the field of musical achievements, so was he outstanding in playing a leading role in the reestablishment of the Polish Republic. He spent his entire income in the amount of \$3,000,000 in support of Polish independence and was honored by the Polish Republic for his great patriotic efforts by becoming its first Premier. He was probably the world's first famous musician in history to abandon his art at the height of his success in order to devote himself to liberating and unifying his country, and then, his program balked by politics, returned to still greater international acclaim on the concert stage.

He confided to a friend that the greatest joy he ever experienced in life came when Poland was recreated as an independent nation.

At the time of his death, Paderewski was engaged in fostering and encouraging the sale of defense bonds, so

that all our efforts to preserve democracy should succeed therefore be it

Resolved, That the Senate notes with sorrow of the passing of this great musician and even greater patriot and desires this opportunity to pay its great respect to one of the world's immortals.

CALENDAR

HOUSE BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, because of the length of time that has been taken up in discussion of various other matters, I now move that we pass all House Bills over in order on both the third reading Calendar and the second reading Calendar. I will make individual motions as we come to the bills.

Mr. SHAPIRO. I second the motion, Mr. President. The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 588, report of committee of conference entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered, and owners of real property affected thereby and other indirectly liable for the payment thereof by prescribing the method of fixing the fair market value of such property, and limiting the amount collectible thereafter on such judgments.

go over in its order.

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, I understand this bill must be reprinted, which is the reason for the request that it go over in order.

Mr. REED. Mr. President, may I ask the reason for the reprint.

The PRESIDENT. For the information of the Senators the Chair understands the name of one of the members of the Conference Committee was mis-spelled, the name of the gentleman from Schuylkill, Mr. Watkins.

Mr. CAVALCANTE. Mr. President, in this regard may I also state that we are governed by Senate rules, and one of our Senate rules says, in substance, that if a matter involved is not covered by the Senate rules Jefferson's Manual shall govern.

Now, Mr. President, here we have a conference report on this report here on our desks. There is no way in God's world of knowing in just what particulars the Conference Committee has adjusted the differences that were committed to it for adjustment, unless two Senators get together and one of them reads the original bill and the other one reads the Conference Committee report.

Mr. President, I called this matter to the attention of this Senate and to the attention of the President, some time last week, I think. Jefferson's Manual says that the committee shall report the particular differences they have adjusted and in what manner they adjusted them, so that the members of this body may know just what change has been made by the Conference Committee.

Mr. COX. Mr. President, if the gentleman from Fayette would like an explanation of the changes made by the Conference Committee, I will be very happy to explain them to him.

Mr. CAVALCANTE. It is not that, Mr. President, it is that the gentleman could not give that to me on the floor of the Senate. If we are to be governed by the rules, the changes ought to be in the committee report so that we do not have to interrogate Senators here on the floor of the Senate, and so that we would have those changes before us, and then, during the time that we are in recess at home we can study those changes and decide whether we want to vote for the report or not.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. GELTZ. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny will ask his question of parliamentary inquiry.

Mr. GELTZ. Mr. President, is there objection to the request that Senate Bill No. 588 go over in order, because of the necessity of reprinting.

Mr. CAVALCANTE. I have no objection, Mr. President.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 938, (House Bill No. 49), on final passage, entitled:

An Act making an appropriation for the maintenance and improvement of the Port of Philadelphia.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1108, (House Bill No. 820), on final passage, entitled:

An Act to amend section one of the act approved the twenty-ninth day of May one thousand eight hundred and eighty-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on vendors of dealers in goods wares and merchandise and providing for the collection of said tax" as amended exempting from the mercantile license tax so much of the business of manufacturers and mechanics as comprises the vending of goods of their manufacture from their factories and workshops.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1134, (House Bill No. 220), on final passage, entitled:

An Act to amend section four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act provided for taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction surfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade cross-section thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain por-

tions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" authorizing the Department of Highways to take over structures bridges and viaducts on State highways in cities of the second class A and third class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1142, (House Bill No. 723), on final passage, entitled:

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds: imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July, one thousand nine hundred and nineteen.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1210, (House Bill No. 1729), on final passage, entitled:

An Act to further amend section seven of and to add section fourteen and one-tenth to the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" prohibiting the construction maintenance or operation of facilities, works and improvements for the generation or development of power and authorizing the Secretary of Highways and the various political subdivisions with the approval of the Water and Power Resources Board to grant easement and flowage rights to the Federal Government over certain highways roads streets bridges and adjacent lands.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 1215, on final passage, entitled:

A Supplement to the act, approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act No. 12A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one."

be postponed for the present.

Mr. WALKER. Mr. President, I second the motion.
The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1281, on final passage entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 492, as follows:

An Act making an appropriation to the Pennsylvania Historical Commission for the purchase of furniture and furnishings of the proper period to complete the "Pennsbury Memorial" and to landscape the property connected therewith.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to properly complete the Commonwealth-owned "Pennsbury Memorial" in Falls Township Bucks County the first seat of government of the province of Pennsylvania and the homestead of William Penn the greatest man of peace who ever lived it is required that the buildings thereon be furnished in the style of the period when the property was occupied by the founder of this Commonwealth and it is further necessary to complete the landscaping of the whole tract of land heretofore acquired by the Commonwealth There is therefore hereby appropriated to the Pennsylvania Historical Commission the sum of thirty thousand dollars (\$30,000) or as much thereof as may be necessary for the purpose of purchasing furniture and furnishings necessary to properly present "Pennsbury Memorial" to the public and there is also hereby appropriated to the Pennsylvania Historical Commission the additional sum of twenty thousand dollars (\$20,000) or as much thereof as may be necessary for the purpose of landscaping all of the lands heretofore acquired by the Commonwealth in connection with the "Pennsbury Memorial" including protection of the Delaware River water front grading filling the purchase and planting of trees and shrubs and the general protection and beautification of the property

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanlus,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deltrick,	Jaspan,	Snowden,	Wilson, T. B.,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 513, on third reading, entitled:

An Act creating a commission to be known as the Pennsylvania Board of Tax Appeals, defining in part the powers and duties of such commission; abolishing the Board of Finance and Revenue of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Board of Tax Appeals the records, employes, property, and equipment of the Board of Finance and Revenue; authorizing the Pennsylvania Board of Tax Appeals to appear in and complete all pending proceedings, instituted before, by or against the Board of Finance and Revenue; providing that all decisions, orders, and rules and regulations of the latter board shall remain effective until repealed, changed or modified by the Pennsylvania Board of Tax Appeals and transferring and appropriating to the Pennsylvania Board of Tax Appeals any unexpended balance of any existing appropriation to the Board of Finance and Revenue.

be recommitted to the Committee on State Government

Mr. EDMONDS. Mr. President, I second the motion.
The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 526, as follows:

A Supplement to the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highway and providing for their construction and maintenance at the expense of the Commonwealth" establishing an additional route in the boroughs of South Langhorne Langhorne Manor and Langhorne Bucks County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the borough streets adopted

as State highways in the boroughs of South Langhorne Langhorne Manor and Langhorne Bucks County by the act to which this is a supplement the following sections of borough streets in said boroughs are hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement

Beginning on Route 484 at the intersection of Bellevue Avenue and Hulmeville Avenue in the borough of South Langhorne thence northwesterly on Hulmeville Avenue and by an overhead bridge crossing the main line tracks of the Reading Railroad and continuing in Hulmeville Avenue through the borough of Langhorne Manor to a point on Route 252 Spur at the intersection of Hulmeville Avenue and Richardson Avenue in the borough of Langhorne Bucks County a distance of about 1.7 miles

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanius,	Stiefel
Becker,	Edmonds,	Letzler,	Talman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Frey,	McCreesh,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deitrick,	Jaspan,	Snowden,	Wilson, T. B.,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That, the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 532, (House Bill No. 550), on third reading, entitled:

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 9) entitled "An act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof."

go over in its order,

The PRESIDENT. Is there objection?

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. DENT. Mr. President, I desire to ask the gentleman from Allegheny whether he expects to take up House bills later today.

Mr. GELTZ. Not today, Mr. President, but we will take them up tomorrow.

Mr. DENT. Mr. President, is consideration being given to the fact that some of these bills have been amended?

Mr. GELTZ. That is correct, Mr. President; I think

there will be sufficient time to pass them here and have them in conference committee also.

Mr. DENT. That is the only thing I am interested in, Mr. President, and of course, if the gentlemen have made up their minds to stay here all summer, they will find I am a pretty good sitter.

Mr. GELTZ. We just about have, Mr. President, I am sorry to say.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I request that Senate Bill No. 591, on third reading entitled:

An Act making an appropriation to the Lower Allen Fire Company for the protection of State property at the Pennsylvania Industrial School at White Hill

be recommitted to the Committee on Appropriations.

Mr. WADE. Mr. President, I object.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 591 be recommitted to the Committee on Appropriations.

Mr. JAMES. I second the motion, Mr. President.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 656, as follows:

A Supplement to the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" establishing an additional route in the borough of Sellersville Bucks County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the borough streets adopted as State highways in the borough of Sellersville Bucks County by the act to which this is a supplement the following section of borough street in said borough is hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement

Beginning on Route 09106 at the intersection of Lawn Avenue and Noble Street in the borough of Sellersville thence continuing on Lawn Avenue to a point on Route 09104 at the intersection of Lawn Avenue and Maple Avenue in the borough of Sellersville Bucks County a distance of about .75 miles

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, I understand this bill creates a new route in the Borough of Sellersville, Bucks County; is that right, Mr. President.

Mr. JAMES. No, that is not correct. It is in order to straighten out the existing route, shorten the old route, leading up to what is now a very important hospital, the

Sellersville Hospital, and that is the only avenue leading to the hospital, which is one of the largest and busiest hospitals in that county. It does not enlarge the responsibility of the state to any great extent, but it ought to be a state road.

Mr. DENT. I understand, Mr. President, it proposes to take another piece of road into the state system.

Mr. JAMES. That is right, Mr. President.

Mr. DENT. Mr. President, I desire to call the attention of the Senate to the fact that the City of Jeanette still does not have any streets belonging to the state system of highways, because the Highway Department takes the position that they do not want any additional streets taken over or routes taken over by the state, and yet it is the only city in the Commonwealth that does not have one single state highway within its confines.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanius,	Stiefer,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deltrick,	Jaspan,	Snowden,	Wilson, T. B.,

NAYS—1

Dent,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 700, (House Bill No. 99), on third reading, entitled:

An Act to amend sections one and two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting certain clubs from such limitation and by providing that retail dispenser's licenses may be exchanged or surrendered for liquor licenses without violating the limits upon the number of licenses imposed by such act; and authorizing the Pennsylvania Liquor Control Board to effect such exchange or substitution upon compliance with certain conditions.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT. Mr. President, there appears to have been a slip-up in connection with this bill. On the last day of

the session last week I made a motion that this bill be returned to the second reading Calendar, in order to put it in position to have it amended. I now find it on the third reading Calendar. If you refer to the minutes of the session, I think you will find it belongs on the second reading Calendar.

Mr. COLEMAN. I think perhaps I can straighten the matter out. I think an amendment made to the bill carries out the desire of the gentleman from Westmoreland, and if he examines the bill I think he will find the amendment he desires to have inserted in the bill has been inserted.

Mr. DENT. Very well, Mr. President.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 787, (House Bill No. 1095), on third reading, entitled:

An Act to further amend section six of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the county of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 783, entitled:

An Act to further amend the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463) entitled as amended "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by changing the method by which notice of the formation of a municipal authority shall be made public further regulating incorporation purposes and existence of the authority defining procedure whereby an authority can enter into contracts and dispose of its bonds imposing additional qualifications and duties on members of the authority imposing civil liability on members of the board and officers of an authority in certain cases requiring annual audits imposing additional duties on the court of common pleas giving authorities right of eminent domain in certain cases extending with certain limitations the power of Authorities to make certain purchases requiring authorities in certain cases to secure certificates of public convenience from the Public Utility Commission imposing duties upon said commission and providing for appeals requiring the filing of financial reports by authorities with and the approval of bond issues by the Department of Internal Affairs and conferring powers and imposing duties upon said department restricting the appointment of members of authorities and limiting their salaries and providing for the voluntary dissolution of authorities.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, I ask unanimous consent to amend Sec. 1, page 5, line 14, by striking out the darkfaced brackets before the numeral "(1)" at the beginning of the line, and before the word "shall"; amend Sec. 1, page 5, by inserting between lines 13 and 14 the following: "(1) The term "service area" shall mean the municipality or municipalities within the corporate limits of which equipment and facilities are operated or intended to be operated for the accommodation, convenience and service of the public"; amend Sec. 2, page 15, line 10, by striking out after the word "any" the word "project" and inserting in lieu thereof: "Utility"; amend Sec. 2, page 17, line 22, by striking out the lightfaced brackets before and after the word "forty" at the end of the line; amend Sec. 2, page 17, line 23, by striking out the word "thirty" at the beginning of the line; amend sec. 3, page 23, line 22, by inserting after the word "rendered" the following: "or intended to be rendered"; amend Sec. 3, page 23, line 26, by inserting after the word "to" the following: "one"; amend Sec. 3, page 24, line 2, by striking out the following: "any one" and inserting in lieu thereof: "such"; amend Sec. 3, page 24, line 16, by striking out after the word "municipalities" the following: "hereafter."

The PRESIDENT. Is there objection

Mr. COLEMAN. Mr. President, I think if the gentleman who offered the amendments will examine them, he will find they do not make sense. I think the amendment inserted there is already included in the bill by striking out the bold face brackets, and he is inserting it again and that puts it in the bill twice.

AMENDMENTS WITHDRAWN

Mr. EDMONDS. Mr. President, I withdraw the amendments temporarily.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 783, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 932, on third reading, entitled:

An Act to further amend section eight hundred and six of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government; providing for the settlement assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys

payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by changing and restricting the right of the Commonwealth to impose interest on unpaid tax and bonus when such tax and bonus are not settled within a certain period of time.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 933, on third reading, entitled:

An Act to further amend clause (a) of section five hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 940, (House Bill No. 266), on third reading, entitled:

An Act making an appropriation to the Glen Mills School situate in Delaware County, Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 946, (House Bill No. 301), on third reading, entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania,

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent

that Senate Bill No. 954, (House Bill No. 371), on third reading, entitled:

An Act making an appropriation to the Department of Forests and Waters, for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 956, (House Bill No. 489), on third reading, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1043, (House Bill No. 571), on third reading, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1071, (House Bill No. 1380), on third reading, entitled:

An Act to further amend the Act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1079, (House Bill No. 1597), on third reading, entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Lebanon.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1191, (House Bill No. 361), on third reading, entitled:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capital City.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1229, (House Bill No. 1286), on third reading, entitled:

An Act relative to the employment of females in hotels taverns saloons and eating houses for the mixing or sale of alcoholic drinks and the penalty for violation thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1231, (House Bill No. 1466), on third reading, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the procedure for and regulating voting in elections by persons in actual military service conferring powers and imposing duties upon the Secretary of the Commonwealth courts county boards of elections and county commissioners providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1232, (House Bill No. 1467), on third reading, entitled:

An Act to amend the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commission county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties, as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1236, (House Bill No. 1585), on third reading, entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1239, (House Bill No. 1704), on third reading, entitled:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1243, (House Bill No. 1738), on third reading, entitled:

An Act to amend Route 22045 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1244, (House Bill No. 1739), on third reading, entitled:

An Act to amend Route 38043 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1265, (House Bill No. 1465), on third reading, entitled:

An Act to amend the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1266, (House Bill No. 1468), on third reading, entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of the right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility

corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1267, (House Bill No. 1469), on third reading, entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a conditions of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1282, entitled:

An Act making an appropriation to the California State Teachers College for the purchase of lands needed for the better operation of such college.

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this appropriation is made directly to the California State Teachers College. I am wondering whether that is not an error; the money should be given to purchase the property through the Department of Property and Supplies and the bill does not so provide.

I have no objection but I call that to the attention of the sponsor in view of the fact that it may have to be amended.

Mr. REED. Mr. President, this bill grows out of an emergency due to a couple of cloudbursts they had out there, as I understand. I am glad the gentleman from Philadelphia called my attention to that.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 1282, on third reading go over in its order in order that I may check that phase of it.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1283, as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Warren

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the township roads adopted as State highways in the County of Warren by the act to which this is a supplement the following section of township road in said county is hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement

Route 61068 Beginning at a point on the north borough line of Warren thence in a northwesterly direction through Glade Township to a point on Route 61036 about 0.25 of a mile northeast of the Warren Borough line in Warren County a distance of about 0.72 of a mile

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Kephart,	Stiefel,
Bartlett,	Ealy,	Lanius,	Tallman,
Becker,	Edmonds,	Letzler,	Taylor,
Carr,	Farrell,	Mallery,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Deltrick,	Jaspan,	Stevenson,	

NAYS—2

Dent, McQuiddy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS RECOMMENDED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1292, on third reading, entitled:

An Act making an appropriation to the Citizens Fire Company No. 1 of Lemoyne Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill

be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1293, on third reading, entitled:

An Act making an appropriation to the Camp Hill Fire Company No. 1 of Camp Hill Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1294, on third reading, entitled:

An Act making an appropriation to the Citizens Fire Company No. 1 of New Cumberland, Pennsylvania, for the protection of State property at the Pennsylvania Industrial School at White Hill

be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1295, on third reading, entitled:

An Act making an appropriation to the Elkwood Fire Company No. 2 of New Cumberland Pennsylvania for the protection of State property at the Pennsylvania Industrial School at White Hill.

be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. WADE. Mr. President, I just want to say to the members of the Senate in connection with these four bills which have just been recommitted to the Committee on Appropriations, that I do not suspect for a moment they are going back there to die. The appropriation asked for in each of these bills is simply the sum of two hundred dollars, for the biennium.

Mr. President, if you will also refer to your books, you will find that the state has an investment of something around four millions of dollars, spent by the General State Authority, at White Hill, Pennsylvania, and in that there is absolutely no fire fighting protection at all. The total appropriation in five of the bills—one was sent back to committee a little while ago—totals one thousand dollars, or one-fortieth of one per cent of the investment at White Hill. Think too of this institution, which now holds some 170 or 180 boys, who are not responsible, who have proven to the world they are not responsible, and who have matches and cigarettes and other means of starting fires.

Now, Mr. President, I ask you is it good business to kill these bills that ask for one-fortieth of one per cent for protection for two years, which would be one-eightieth of one per cent per year for fire protection for the investment the state has already put there.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Cumberland, Mr. Wade.

The PRESIDENT. Will the gentleman from Cumberland permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. SHAPIRO. Mr. President, how far away from this institution are these fire departments.

Mr. WADE. Mr. President, the five fire departments mentioned in the five separate bills form almost a com-

plete circle of the White Hill Institution and none of them are over one and a half miles from the institution.

Mr. SHAPIRO. Mr. President, is there anything to prevent this institution from having a fire company of its own to fight a fire before these companies could get there.

Mr. WADE. Mr. President, there is nothing to prevent them from having a fire company of their own, but the fact is they do not have and that is the reason I say we should have at least these small appropriations passed so there will be, some protection.

Mr. SHAPIRO. Mr. President, may I ask the gentleman from Cumberland, whether these buildings are fireproof.

Mr. WADE. Yes, Mr. President, they are modern buildings, and I would say they are to some extent fireproof, certainly, but not entirely so.

Mr. SHAPIRO. Mr. President, is that from an insurance man's point of view, as to their being fireproof.

Mr. WADE. No, Mr. President; if I may borrow the words of the Senator from Luzerne, Mr. Miller, that is from a layman's standpoint.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1296, as follows:

An Act to amend section one of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by reducing the number of judges of said court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" as amended by section one of the act approved the first day of April one thousand nine hundred twenty-five (P. L. 109) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in the county of Allegheny there shall be and hereby is created a court of record to be known as the County Court to be composed of [six] four judges Provided That all of the present judges shall continue in office until the expiration of the terms for which they were respectively elected or until a vacancy shall otherwise occur as provided by law The two vacancies that shall first happen either by expiration of term or otherwise shall not be filled the provisions of this act to the contrary notwithstanding In the event that a number of vacancies shall happen simultaneously greater than is necessary to reduce the number of judges to four so many of the vacancies so happening only shall be filled as will provide four judges for said court.

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Jaspan,	Stevenson,
Bartlett,	DiSilvestro,	Kephart,	Stiefel,
Becker,	Ealy,	Lanius,	Tallman,
Carr,	Edmonds,	Letzler,	Taylor,
Cavalcante,	Farrell,	Mallery,	Thomas,
Chapman,	Frey,	Miller,	Tyler,
Coleman,	Geltz,	Mundy,	Wade,
Cox,	Haluska,	Reed,	Walker,
Crider,	Heyburn,	Ruth,	Watkins,
Crowe,	Homsher,	Shapiro,	Wilson, H. I.,
Detrick,	James,	Snowden,	Wilson, T. B.,

NAYS—1

McQuiddy.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1297, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth conveyed to any person, partnership or corporation authorized to hold such real estate by any alderman, justice of the peace or magistrate where such alderman justice of the peace or magistrate has acknowledged such conveyance.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. WATKINS. Mr. President, I ask unanimous consent to amend title, page 1, line 6 of the title, after the word "has" and before the word "such," by taking out the word "acknowledged" and inserting in lieu thereof the words: "made acknowledgement of"; amend title, page 1 line 6 of the title, after the word "conveyance," by inserting the following words: "before himself and is now deceased"; amend Section 1, page 1, line 5, after the word "also" and before the word "such," by taking out the word "acknowledged", and inserting in lieu thereof the words: "made acknowledgement of"; amend Section 1, page 1, line 5, after the words "conveyance" and before the word "is", by inserting the following words: "before himself and is now deceased".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 178, entitled:

An Act to amend paragraph four of subsection (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L.

447) entitled as amended An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointments, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof the lien thereof, sales and mortgages of real estate for the payment thereof judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrease, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by validating deeds heretofore accepted by fiduciaries holding mortgages in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 257, entitled:

An Act making an appropriation to the Nursing School of the University of Pittsburgh, Pittsburgh, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 258, entitled:

An Act making an appropriation to the Medical School of the University of Pittsburgh, Pittsburgh, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 288, (House Bill No. 183), on second reading, entitled:

An Act to amend section seven hundred two and to further amend section nine hundred five of the act approved the first day of May one thousand nine hundred

and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the establishment and maintenance of fire hydrants and fire hydrant water service and the levy of a special tax therefor with the assent of electors.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 399, on second reading, entitled:

An Act making an appropriation to the Treasury Department for the use of the Board of Finance and Revenue in granting refunds of "store and theatre" tax.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 468, (House Bill No. 70), on second reading, entitled:

An Act to amend section seven hundred three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing for the compensation paid to township commissioners.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS RECOMMITTED

Mr. GELTZ, Mr. President, I move that Senate Bill No. 540, (House Bill No. 648), on second reading, entitled:

An Act to amend section 873 of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing roads to be county roads as soon as so determined and further providing for the repair construction and maintenance of such roads within the limits of boroughs and cities.

be recommitted to the Committee on Highways.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ, Mr. President, I move that Senate Bill No. 580, (House Bill No. 405), on second reading, entitled:

An Act to amend section three of the act approved the fifth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing that student apprentices shall receive credit toward their apprenticeship for time spent in military training not exceeding one year.

be recommitted to the Committee on Public Health.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent

that Senate Bill No. 695, (House Bill No. 1176), on second reading, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the methods of payment to townships.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 707, (House Bill No. 1023), on second reading, entitled:

An Act prohibiting employers from directly or indirectly offering for sale selling procuring for sale having in possession or under control for sale to employees or others any merchandise not produced by employers or not handled in the regular course of employer's business providing exceptions thereto declaring such prohibited sales to be unfair competition and repealing prior inconsistent legislation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 739, on second reading, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in restoring and maintaining the original valley forge at Valley Forge Park.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GELTZ, Mr. President, I move that Senate Bill No. 749, (House Bill No. 319), on second reading, entitled:

An Act to further amend section one of the act, approved the eleventh day of May, one thousand nine hundred eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof," allowing inspectors their expenses in attending State conventions of sealers of weights and measures.

be recommitted to the Committee on County Government.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 769, (House Bill No. 1194), on second reading, entitled:

An Act to amend sections two and three of the act approved the eleventh day of May, one thousand nine hundred and eleven, (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting

vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended, by providing for the issuance of certificates of approval for weights and measures of county, city, and borough sealers.

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 774, (House Bill No. 1282), on second reading, entitled:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 849, (House Bill No. 812), on second reading, entitled:

An Act to amend clause (b) of section three hundred and two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections," by providing for the display of the flag of the United States at polling places and imposing such duty on county boards of elections.

be recommitted to the Committee on Military Affairs.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. EDMONDS. Mr. President, I move that Senate Bill No. 850, (House Bill No. 1185), on second reading, entitled:

An Act to further amend section five hundred and two and section five hundred and four of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" requiring submission of all plans for public improvements to the county planning commission for approval and prohibiting the recording of plans and sales of lots before their approval under penalties.

be recommitted to the Committee on County Government.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 861, (House Bill No. 1036), on second reading, entitled:

An Act to amend subsection (b) of section sixteen of the act approved the seventh day of June one thousand

nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent the natural parent shall retain his or her status as such and shall for the purposes of inheritance and devolution be regarded as an adopting parent.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I request that Senate Bill No. 863, (House Bill No. 1172), on second reading, entitled:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by empowering counties to acquire real estate by lease purchase or gift for use as fairground authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fair-grounds including the appropriation of funds joint action with other political subdivisions the levy and collection of taxes the creation of county fair boards and the acceptance of State Contributions.

be recommitted to the Committee on County Government.

The PRESIDENT. Is there objection?

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentlemen from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. DENT. Mr. President, what is the purpose of sending this bill back to the Committee on County Government.

Mr. GELTZ. This bill, Mr. President, as I understand it, is to go back to the Committee on County Government for the purpose of making a further study and investigation in connection with these fair boards and so forth that are to be set up.

Mr. DENT. Mr. President, I hate to see this bill go back to committee at this late date, because it is very important to our county, at least to our commissioners, and many of our citizens want to hear about it. They had a very large meeting in the county, which I was requested to attend, and which I attended and members of the House attended. The whole purpose behind the bill is to enable the county commissioners there to spend some money in the creation of a fair. Westmoreland is the fifth largest county in the State of Pennsylvania and we have not been able to get together on a fair and exposition park, and we would like to have this bill go through to enable the county commissioners to appropriate certain monies, to be later paid back. Mr. President, I do not like to see this bill go back to committee, because I am afraid, from past experience, it will go back and stay there.

The PRESIDENT. There is objection to the request.

Mr. GELTZ. Mr. President, I move that Senate Bill

No. 863, (House Bill No. 1172), be recommitted to the Committee on County Government.

Mr. JAMES. I second the motion, Mr. President.

On the question,
Will the Senate agree to the motion?

Mr. DENT. Mr. President, I oppose this motion to send this bill back to committee, because the purpose stated is not the purpose for sending it back; it is being sent back to be killed. I want the opportunity to have the bill acted on on final passage, and I now ask for a roll call and ask by colleagues to vote "no" on the motion.

And the question recurring,
Will the Senate agree to the motion?

The yeas and nays were required by Mr. DENT and were as follows, viz:

YEAS—27			
Bartlett,	Edmonds,	Mallery,	Tyler,
Becker,	Farrell,	Miller,	Wade,
Carr,	Geltz,	Snowden,	Walker,
Chapman,	Homsher,	Stevenson,	Watkins,
Crider,	James,	Tallman,	Wilson, H. I.,
Deitrick,	Kephart,	Taylor,	Wilson, T. B.,
Ealy,	Letzler,	Thomas,	

NAYS—17			
Barr,	Dent,	Jaspan,	Reed,
Cavalcante,	DiSilvestro,	Lanius,	Ruth,
Coleman,	Frey,	McQuiddy,	Shapiro,
Cox,	Haluska,	Mundy,	Stiefel,
Crowe,			

So the question was determined in the affirmative.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 890, (House Bill No. 139), on second reading, entitled:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 909, entitled:

An Act to further amend section two hundred twenty-even of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and re-vising, amending and consolidating the laws relating hereto," providing for the appointment of minute clerks in certain courts in counties of the third class.

And said bill having been read at length the second time.

Will the Senate agree to the bill?

Mr. DENT. Mr. President, from my study of this bill, I think perhaps it creates an additional expense to counties of the third class.

MOTION TO RECOMMIT BILL

Mr. DENT. Therefore, Mr. President, I move that Senate Bill No. 909, be returned to the Committee on County Government,

Mr. CAVALCANTE. I second the motion, Mr. President.

On the question,
Will the Senate agree to the motion?

Mr. MILLER. I object, Mr. President.

Mr. DENT. I ask that the roll be called, Mr. President.
The yeas and nays were required by Mr. DENT and were as follows, viz:

YEAS—15			
Barr,	Dent,	Jaspan,	Ruth,
Cavalcante,	DiSilvestro,	Lanius,	Shapiro,
Coleman,	Frey,	McQuiddy,	Stiefel,
Cox,	Haluska,	Mundy,	

NAYS—30			
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	Miller,	Tyler,
Carr,	Geltz,	Reed,	Wade,
Chapman,	Heyburn,	Snowden,	Walker,
Crider,	Homsher,	Stevenson,	Watkins,
Crowe,	James,	Tallman,	Wilson, H. I.,
Deitrick,	Kephart,	Taylor,	Wilson, T. B.,
Ealy,	Letzler,		

So the question was determined in the negative.
And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. DENT. Mr. President, I desire to be recorded as voting "no" and ask that the roll be called.

The yeas and nays were required by Mr. DENT and were as follows, viz:

YEAS—30			
Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	Miller,	Thomas,
Carr,	Geltz,	Reed,	Tyle,
Chapman,	Heyburn,	Snowden,	Wade,
Crider,	Homsher,	Stevenson,	Watkins,
Crowe,	James,	Stiefel,	Wilson, H. I.,
Deitrick,	Kephart,	Tallman,	Wilson, T. B.,
Ealy,	Letzler,		

NAYS—12

Barr,	Cox,	Jaspan,	Mundy,
Cavalcante,	Dent,	Lanius,	Ruth,
Coleman,	Frey,	McQuiddy,	Shapiro,

So the question was determined in the affirmative.
Ordered, to be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 973, (House Bill No. 1130) on second reading, entitled:

An Act making an appropriation to the Department of Commerce, towards expenses of the National Encampment in Philadelphia.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. WALKER. Mr. President, I move that Senate Bill No. 1032, (House Bill No. 1350), on second reading, entitled:

An Act validating certain deeds and conveyances made by trustees without setting forth their authority to convey.

be recommitted to the Committee on Judiciary General.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1036, (House Bill No. 1526), on second reading, entitled:

An Act to amend section two hundred seven of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising consolidating, and changing the law relating thereto," further prescribing method by which second class townships may be classified as first class townships; and providing for the costs and holding of special elections for that purpose.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1086, on second reading, entitled:

An Act relating to elective public offices, the incumbents of which are required by act of Congress to enter military or naval service providing that such offices shall not be considered vacant or the incumbents thereof disqualified by reason of such call to military or naval service; making provisions for certain deputies, assistants or substitutes to perform the functions of such office during the period of such military or naval service or until the terms of office have ended; prescribing the qualifications, powers, duties, liabilities and compensation of such deputies, assistants or substitutes; and defining the extent and effect of said act upon the various incidents of such office including incompatibility, vacancy, compensation, term, misconduct, removal and holding over.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1109, (House Bill No. 957), on second reading, entitled:

An Act to amend the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employees' retirement system in counties of the third class and imposing certain charges on counties" extending and further regulating such retirement systems.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1112, (House Bill No. 1572), on second reading, entitled:

An Act to amend the act approved the second day of March, one thousand nine hundred thirty-three (P. L. 6), entitled "An act to enable persons, associations, partner-

ships and corporations engaged in farming, and raising breeding, fattening and marketing livestock, to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages," as amended, by extending, enlarging, and removing the limitations upon the class of those who may become chattel mortgagees, by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages, the extension of the lien and defaults of said mortgages and by defining violations and prescribing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1118, (House Bill No. 687), on second reading, entitled:

An Act to further amend the title and section one of the act approved the third day of May one thousand nine hundred and nine (P. L. 424) entitled "An act providing that in all counties having more than five hundred thousand inhabitants advertisements and notices required by law or rules of court to be published in newspapers of general circulation unless dispensed with by special order of court shall be published in the legal newspaper issued at least weekly of the proper county designated by rules of court for the publication of court or other legal notices" as amended extending the provisions of the said act to counties of the sixth class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1121, (House Bill No. 909), on second reading, entitled:

An Act to further amend section three hundred three of and to add section three hundred seven of the act approved the twenty-fifth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction the other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by providing for the appointment of assistant managers in Pennsylvania Liquor Stores and by establishing minimum salaries for certain employees of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1135, (House Bill No. 223), on second reading, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of

Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township Lancaster County or so much thereof as may be necessary as a memorial providing for the control management supervision improvement restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1151, (House Bill No. 1488), on second reading, entitled:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States during a national emergency under licenses or registration issued by the Department of Public Instruction and brokers licenses issued by the Department of Insurance to practice professions or to work at trades or occupations and providing for renewals after discharge from such service.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1156, (House Bill No. 1529), on second reading, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 594), entitled "An act establishing certain township roads as state highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes to be used as a part of the national defense program in the County of Cambria.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION THAT SENATE ADJOURN

Mr. DENT. Mr. President, I now move that we adjourn. These are all Democratic bills, so they will only be amended or go over in order, and we may as well adjourn.

Mr. GELTZ. Mr. President, no time has been stated.

Mr. DENT. Mr. President, I know the gentleman from Allegheny has the votes but I happen to have the floor.

Mr. GELTZ. Mr. President, there was no time set for adjournment.

Mr. DENT. Mr. President, if the gentleman from Allegheny would have allowed me to finish my motion I would have fixed the time.

The PRESIDENT. A motion to adjourn is always in order.

Mr. GELTZ. I understand that, Mr. President, but the motion was not completed; there was no time fixed for reconvening.

Mr. DENT. If the gentleman from Allegheny will give me a chance I will finish the motion.

I wanted to say that I move the Senate do now adjourn until Tuesday, July 1, 1941, at 12 o'clock noon.

Mr. GELTZ. Mr. President, I apologize for the interruption. If the motion is that we adjourn until twelve o'clock noon, I second the motion.

Mr. DENT. Thank you.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order. The PRESIDENT. The gentleman from Philadelphia will state his point of order.

Mr. SHAPIRO. Mr. President, under our rules, since we do not print first reading bills, I wonder whether we can adjourn unless we first have a motion that all bills reported from committee be read the first time.

Mr. GELTZ. Certainly, Mr. President.

Mr. DENT. I withdraw the motion temporarily, Mr. President.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 851, (House Bill No. 1442), entitled:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1260, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing a certain route.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. DENT. Mr. President, I move that the Senate do now adjourn until Tuesday, July 1, 1941, at 12:00 o'clock noon, Eastern Standard Time.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:33 o'clock, p. m., Eastern Standard Time until Tuesday, July 1, 1941, at 12:00 o'clock, noon, Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, June 30, 1941

The House met at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Our Father, we thank Thee for the great ideals that shine like stars in our lives. We thank Thee for noble dreams and purposes that challenge us from day to day. Grant us strength and courage to put more of our ideals and aspirations into practice. Help us to live the life of goodness and truth each day. Grant us strength to follow in the way of the Carpenter of Nazareth who said, "I am the Way, the Truth and the Life."

Bless our assembling together this night. Help each Legislator to play his part well in the dispatch of the business before this House. May none go away dissatisfied at the close of the day but each feeling within himself that he has done his best for his God and his State. Hear our prayer, we beseech Thee. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, June 26, 1941.

The Clerk proceeded to read the Journal of Thursday, June 26, 1941, when, on motion of Mr. POWERS, unanimously agreed to, the further reading was dispensed with and the Journal approved.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

THE WHITE HOUSE
WASHINGTON

June 26, 1941.

My dear Mr. Speaker:

The President has received a copy of the resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania, commemorating the life of the late Daniel Carter Beard, National Scout Commissioner. He sincerely appreciates having a copy of this fitting tribute to the memory of such a fine character as "Uncle Dan" Beard, and hopes you will be good enough to let the Members of the House know how pleased he is that they should have taken this action in recognition of his leadership in Scouting.

Very sincerely yours,
(Signed) M. A. LE HAND
Private Secretary

Honorable Elmer Kilroy,
Speaker of the
House of Representatives,
Harrisburg,
Pennsylvania.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

DEALER IN FARM PRODUCE

A communication from the Pennsylvania Grocers Association, Philadelphia, favoring passage of Senate Bill No. 1117, redefining the term "Dealer in Farm Produce."

Referred to the Committee on Agriculture.

STATE-AID HOSPITALS

A communication from the Homeopathic Hospital of Philadelphia urging immediate passage of legislation appropriating funds to state-aided hospitals.

Referred to the Committee on Appropriations.

COSMETICIANS AND HAIR ARTISTS

A communication from the Cosmeticians and Hair Artists Association of Pennsylvania, favoring passage of House Bill No. 1877.

Referred to the Committee on Appropriations.

SCHOOLS

A telegram from the United Business Men Association, Philadelphia, addressed to the Speaker, favoring passage of House Bills Nos. 1015, 600 and 394, un-American activities of some public school teachers.

A telegram from the Youths Arts Forum, Philadelphia, addressed to the Speaker, urging defeat of House Bill No. 413.

Referred to the Committee on Education.

POLITICAL PARTIES

Telegram from Committee for People's Rights, Philadelphia; and Communist Party of Eastern Pennsylvania, urging defeat of House Bill No. 602.

Referred to the Committee on Elections.

REAL ESTATE BROKERS

A communication from William P. Hayes & Son, Erie, favoring passage of House Bill No. 1877, a supplemental appropriation to the Bureau of Professional Licensing.

Referred to the Committee on Insurance.

MINE FOREMEN

A communication from the United Mine Workers of America, Pittsburgh, urging defeat of Senate Bill No. 362 changing the proportion of mine foremen; and urging passage of House Bill No. 1932, relative to fire bosses.

Referred to the Committee on Mines and Mining.

TRUCK RESTRICTIONS

A communication and resolution from the Pennsylvania Motor Truck Association, Harrisburg, urging need for uniform laws for the motor truck industry.

Referred to the Committee on Motor Vehicles.

CLINIC IN BEAUTY CULTURE SCHOOL

A communication from the Pennsylvania Association of Beauty Culture Schools and the Adelphia School of Beauty Culture, favoring passage of House Bill No. 1813, providing for a clinic in Beauty Culture Schools.

Referred to the Committee on Professional Licensure.

RAILROADS

A communication from the Brotherhood of Railroad Trainmen, Philadelphia, addressed to the Speaker, urging

passage of House Bill No. 97 (Flagman on Light Engines); House Bill No. 75 (Full Crew Bill); and House Bill No. 110 (Train Limit Bill).

Referred to the Committee on Railroads and Railways.

FEDERAL UNION OF DEMOCRACIES

Telegrams and communications from citizens of Pennsylvania urging adoption of the Woodring Resolution, memorializing Congress to commit the United States in principle to the creation of a Federal Union of Democracies.

Referred to the Committee on Rules.

SCHOOLS

A communication from The Public Education and Child Labor Association of Pennsylvania congratulating the House of Representatives in recommitting Senate Bill No. 302, changing qualifications of certain children for exemption from compulsory attendance provisions.

A communication from the Eightieth Division Veterans Association, Philadelphia Post, addressed to the Speaker, favoring passage of House Bills Nos. 395, 413 and 792.

A telegram from the Pennsylvania State Employees, A. F. L. Local No. 6, Harrisburg, addressed to the Speaker, favoring passage of House Bill No. 413, without Levy or Brown amendments.

Referred to the Committee on State Government.

TAXING LIFE INSURANCE

A communication from Warren M. Ziegler, Philadelphia, addressed to the Speaker, urging passage of Senate Bill No. 379, excluding proceeds of life insurance from certain taxation.

Referred to the Committee on Ways and Means.

SUPPORT LAW

A petition from residents of Snyder County, urging repeal of certain section of Support Law, and urging support of House Bill No. 115, relative to prohibiting furnishing bond by relief recipients.

Referred to the Committee on Welfare.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. BAUGHER for himself for the remainder of the week after tonight's session.

Mr. Polaski for Mr. BRETH for the week on account of illness.

Mr. Marshall M. Cohen for Mr. HARRIS for tonight's session.

Mr. SARGE for himself for Tuesday.

MR. ROYER IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1813, entitled:

An Act to amend section seven of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regu-

lating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," permitting beauty culture schools, in certain cases, to charge for materials used by students in giving treatments to the public.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1854, entitled:

An Act to further amend section three hundred eleven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by protecting and regulating the retirement rights of county employees in counties of the second class who are required to enter active service with the military or naval forces of the United States.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1880, entitled:

An Act to add section three hundred twenty-eight to article three of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," defining the pension rights and obligations of certain employees of second class counties when by operation of law such employees become State employees.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1816, (Senate Bill No. 1040), entitled:

An Act to further amend section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen, (P. L. 737), entitled "A Supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen towards its maintenance," giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of

ation of House Bill No. 1160, (Senate Bill No. 401), entitled:

An Act repealing and abandoning as a State highway, State highway route 15181 in Chester County; and providing for the reversion thereof to the township.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1843, (Senate Bill No. 484), entitled:

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1898, (Senate Bill No. 934), entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1808, (Senate Bill No. 463), entitled:

An Act to amend sections one and three of the act, approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 478), entitled "Conferring authority on the Department of Highways, or any county or township, to enter upon private property adjacent to any public road or highway and place thereon snow fence, between November first and April first of the succeeding year; providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highway to the owner of adjacent property; and repealing certain acts," by including the Pennsylvania Turnpike Commission.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1845, (Senate Bill No. 1015), entitled:

An Act authorizing and directing the county treasurers of the several counties in the Commonwealth of Pennsylvania to provide and maintain an index or indexed record of the several sales of property in their several counties for delinquent taxes, and providing that the reasonable cost thereof shall be borne by the several counties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1553, (Senate Bill No. 557), entitled:

An Act to amend section sixty-five of the act, approved

the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1842, (Senate Bill No. 1102), entitled:

An Act to further amend the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," by providing for the licensing by the Department of Agriculture of persons, copartnerships, associations and corporations engaged in the business of breaking eggs and separating the contents thereof for any purpose; regulating the opening of eggs unfit for food; and providing for the denaturing of such eggs; authorizing the Department of Agriculture to take samples of eggs for the purpose of analysis; further regulating the right to sell or otherwise deal with eggs subjected to incubation; providing that certain violations of the act shall be punishable in summary proceedings; prescribing penalties, and repealing certain legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 491, (Senate Bill No. 145), entitled:

An Act to amend further section fourteen of an act, approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 106), entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works, and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as re-enacted and amended, by conferring additional powers on the Department of Highways.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1859, (Senate Bill No. 344), entitled:

An Act to amend further section five of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "An act relating to roads highways and bridges" as amended by permitting the maximum width of a public road to be two hundred feet when the right of way is acquired by the Federal Government and providing for the cost of relocating public service facilities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Lancaster, Mr. Royer, for presiding.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 90.

An Act providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as United Spanish War Veterans Incorporated.

HOUSE BILL No. 291.

An Act making appropriations for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

HOUSE BILL No. 389.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Farview State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor.

HOUSE BILL No. 529.

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by providing that the tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond.

HOUSE BILL No. 567.

An Act to reenact and amend the title and the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 748) entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in

the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

HOUSE BILL No. 581.

An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis and Bang's disease in cattle.

HOUSE BILL No. 892.

An Act authorizing a commission to study recreational facilities available in first class cities; imposing powers and duties on said commission;

HOUSE BILL No. 940.

An Act to amend section 1202 by adding thereto clause LX, of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising amending and consolidating the law relating to boroughs" authorizing certain boroughs to appropriate moneys for the support of hospitals.

HOUSE BILL No. 1066.

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

HOUSE BILL No. 1083.

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania.

HOUSE BILL No. 1106.

An Act making an appropriation to the Woman's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

HOUSE BILL No. 1167.

An Act to amend section three hundred seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," changing the provisions of said act as to the right of residents to hunt and trap without a license.

HOUSE BILL No. 1175.

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" excepting certain repairs to school buildings from requirement of approval by State Council of Education.

HOUSE BILL No. 1263.

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

HOUSE BILL No. 1483.

An Act to repeal the act approved the sixteenth day of January, one thousand seven hundred and ninety-nine

(3 Sm. Laws, page 338), entitled "An act to declare Franklin Creek, a public highway."

HOUSE BILL No. 1559.

An Act to amend the definition of "Peace Officers" as set forth in section one hundred and two of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines; forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds" by including certain officers and soldiers of the United States Army Pennsylvania National Guard and Pennsylvania Reserve Defense Corps within the definition of "peace officer"

HOUSE BILL No. 1660.

An Act to amend section seven hundred and thirty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessments, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by authorizing the furnishing of certain confidential information to other states and the United States.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned

bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1315.

An Act to amend the title and the act approved the seventh day of May, one thousand nine hundred thirty seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of the act," by adding new sections; making certain changes in the designation of certain streets taken over as State highways, and adding thereto certain additional streets; providing for the taking, opening, relocation, widening, or change of grade of such state highways by the Commonwealth at the expense of the Commonwealth and the city, or either of them; designating the city as agent for the Commonwealth in such taking opening relocation widening or change of grade and the determination of damages arising therefrom; authorizing agreements for the taking, opening, relocation, widening, change of grade, construction, reconstruction, repair, and maintenance of such State highways; appropriating money in the Motor License Fund for the purposes of the act as amended.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 23, by inserting after line 19 the following new paragraph:

"Section 18 The net expenditure of Commonwealth funds from the Motor License Fund or otherwise for the purposes of this act over and above the amounts paid by any city to the Commonwealth shall not exceed the sum of twelve million dollars (\$12,000,000) in any one year."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Foor,	Malloy,	Royer,
Allmond,	French,	Marks,	Rush,
Auker,	Gallagher,	Maxwell,	Sarge,
Baker,	Gates,	McClanaghan,	Sarra,
Balthaser,	Gerard,	McClester,	Scanlon,
Baughner,	Gillan,	McDermott,	Serrill,
Bentley,	Gillette,	McDowell,	Shaffer,
Bentzel,	Goodwin,	McFall,	Shaw,
Boles,	Greenwood,	McGrath,	Shepard,
Boney,	Gross,	McIntosh,	Simons,
Boorse,	Gryskewicz,	McKinney,	Skale,
Bower,	Gyger,	McLanahan,	Snyder,
Bradley,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hall,	Melchiorre,	Stank,

Brunner, P. A.,	Hamilton,	Mihm,	Stine,
Burns,	Hare,	Modell,	Stockham,
Burris,	Harkins,	Monks,	Tarr,
Cadwalader,	Heatherington,	Mooney,	Tate,
Chervenak,	Helm,	Moran,	Taylor,
Chudoff,	Hering,	Moul,	Thompson, E. F.,
Cochran,	Herman,	Mulr,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Munley,	Trout,
Cohen, R. E.,	Hewitt,	Nagel,	Turner,
Cook,	Hirsch,	Nunemacher,	Van Allsburg,
Cooper,	Holland,	O'Brien,	Verona,
Cordier,	Huntley,	O'Connor,	Vincent,
Corrigan,	Imbrie,	O'Dare,	Vogt,
Croop,	James,	O'Mullen,	Voldow,
Cullen,	Jefferson,	O'Neill,	Voorhees,
Dairymple,	Jones, G. E.,	Owens,	Wagner,
Dennison,	Jones, P. N.,	Petrosky,	Watkins,
DiGenova,	Keenan,	Pettit,	Weingartner,
Dix,	Kenehan,	Polaski,	Weiss,
Dolon,	Kline,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winnier,
Elder,	Lee, E. A.,	Readinger,	Wolf,
Elliot,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Lelsey,	Reese, D. P.,	Wood, N.,
Falkenstein,	Leonard,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy,
Flynn,	Lyons,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in. Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1121.

A further supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 2, by striking out in lines 5 and 6 the words and figures "four million eight hundred thousand dollars (\$4,800,000)" and inserting in lieu thereof the words and figures "five million five hundred nine thousand five hundred forty-five dollars (\$5,509,545)".

On the question,

Will the House concur in the amendments made by the Senate?

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the message from the Senate together with the bill be laid on the table.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1858, (Senate Bill No. 263),

An Act to establish a system, uniform throughout the Commonwealth, for the compensation of witnesses, regulating the amount, payment and taxation as costs thereof, and repealing inconsistent legislation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1893, (Senate Bill No. 908), entitled:

An Act to amend section seventeen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," further regulating proceedings before the register of wills and in the orphans' court.

The first section was read.

On the question,

Will the House agree to the section?

Mr. BROWN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 1, (section 17) page 2, line 4, by striking out the word "testimentary" and inserting in lieu thereof the word: "testamentary".

The amendment was agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1829, (Senate Bill No. 171), entitled:

An Act to further amend subsection (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation re-

quired to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1924, (Senate Bill No. 712), entitled:

An Act to amend section one and section two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 899) entitled "An act establishing a State Highway in the County of Lebanon providing for its location construction improvement and maintenance by the Commonwealth" by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1927, (Senate Bill No. 796), entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing Route 36174 Lancaster County.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1781, (Senate Bill No. 555), entitled:

An Act to amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief, providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and the Boards of Trustees of Pension Fund for the Blind, and repealing laws relating to moth-

ers' assistance, pensions for the blind, old age assistance and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1470, as follows.

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Superintendent of Public Instruction shall have power to investigate the need for and to establish supervise and conduct practical arts and vocational agriculture home economics and industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and occupational adjustment of out-of-school unadjusted persons over sixteen years of age who have left school and who due to changing conditions are in need of training retraining and instruction and occupational adjustment in order to enter or reenter employment or to continue in employment and for such purposes shall have power to employ the necessary teachers supervisors and coordinators to conduct such special schools classes and adjustment offices in an effective manner and to pay from the appropriation made by this act and from other available state funds appropriated to aid school districts in the establishment and maintenance of such schools departments or classes and from Federal funds provided for the development and further development of vocational education and for the salaries of said teachers supervisors and coordinators

Section 2 No practical arts or vocational agriculture homemaking industrial or commercial school or class established by a school district under the provisions of this act shall be deemed to replace supplant or discontinue any vocational agriculture home economics industrial or commercial school or class established by a school district under the provisions of the act approved the first day of May one thousand nine hundred and thirteen (P. L. 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" and the amendments thereto unless a school district presents evidence satisfactory to the Superintendent of Public Instruction that it is no longer able to share the expense incident to the payment of salaries of teachers in such schools and classes as required by said act and nothing herein contained shall be construed to alter amend repeal or suspend any of the provisions of said act of May first one thousand nine hundred and thirteen and its amendments.

Section 3 If during the first fiscal year any appropriation allocated by the Department of Public Instruction for that year is not expended such remaining portion of the appropriation may be allocated to other school districts or to districts which have exceeded the amounts

allocated to them on the basis of the need and in such amounts as the Superintendent of Public Instruction may direct. Salaries of teachers of classes and activities authorized by this act for which no Federal contribution is made shall be paid from state funds.

Section 4 The sum of seventy-five thousand dollars (\$75,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred forty-one to carry out the provisions of this act for the payment of salaries of teachers supervisors and coordinators for necessary traveling and hotel expenses and for the payment of all other necessary and proper expenses incidental to carrying into effect the provisions of this act.

Section 5 This act shall become effective immediately upon final enactment and shall remain in force until May thirty-first one thousand nine hundred forty-three.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Foor,	Malloy,	Royer,
Allmond,	French,	Marks,	Rush,
Auker,	Gallagher,	Maxwell,	Sarge,
Baker,	Gates,	McClanaghan,	Sarraf,
Balthaser,	Gerard,	McClester,	Scanlon,
Baughner,	Gillan,	McDermott,	Serrill,
Bentley,	Gillette,	McDowell,	Shaffer,
Bentzel,	Goodwin,	McFall,	Shaw,
Boles,	Greenwood,	McGrath,	Shepard,
Boney,	Gross,	McIntosh,	Simons,
Boorse,	Gryskewicz,	McKinney,	Skale,
Bower,	Cyger,	McLanahan,	Snyder,
Bracley,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hall,	Melchiorre,	Stank,
Brunner, P. A.,	Hamilton,	Mihm,	Stine,
Burns,	Hare,	Modell,	Stockham,
Burtis,	Harkins,	Monks,	Tarr,
Cadwalader,	Heatherington,	Mooney,	Tate,
Chervenak,	Helm,	Moran,	Taylor,
Chudoff,	Hering,	Moul,	Thompson, E.,
Cochran,	Herman,	Muir,	Thompson, R.,
Cohen, R. E.,	Hersch,	Munley,	Trout,
Cohen, M. M.,	Hewitt,	Nagel,	Turner,
Cook,	Hirsch,	Nunemacher,	Van Allsburg,
Cooper,	Holland,	O'Brien,	Verona,
Cordier,	Huntley,	O'Connor,	Vincent,
Cotigan,	Imbrie,	O'Dare,	Vogt,
Croop,	James,	O'Mullen,	Voldow,
Cullen,	Jefferson,	O'Neill,	Voorhees,
Dalrymple,	Jones, G. E.,	Owens,	Wagner,
Dennison,	Jones, P. N.,	Petrosky,	Watkins,
DiGenova,	Keenan,	Pettit,	Weingartner,
Dix,	Kenehan,	Polaski,	Weiss,
Dolon,	Kline,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorofski,	Rank,	Williams,
Eckels,	Kruse,	Rausch,	Winner,
Elder,	Lee, E. A.,	Readinger,	Wolf,
Elliott,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Lesko,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lelsey,	Reese, R. E.,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy,
Flynn,	Lyons,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1513, Printer's No. 1088, was passed over at the request of Mr. DENNISON.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 934, entitled:

An Act for the preservation of eyesight and the prevention of blindness declaring a policy in reference thereto conferring powers and imposing duties on the Department of Health and prescribing qualifications for persons administering such work.

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. SARRAF. Mr. Speaker, I move that this bill be re-committed to the Committee on Public Health for the purpose of further study.

The motion was agreed to.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection House Bill No. 1653, Senate Bill No. 587, Printer's No. 242, and House Bill No. 1474, Senate Bill No. 365, Printer's No. 197, were passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 259, as follows:

An Act to further amend section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with the transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by further fixing the hours during which liquor malt or brewed beverages may be sold.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale

manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State Government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven. (P. L. 1762) is hereby further amended to read as follows

Section 411. Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons and in the case of hotels to guests and in the case of clubs to members in their private rooms in the hotel or club No club licensee nor its officers servants agents or employees other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club holding a catering license nor its officers servants agents or employees shall sell on Sundays to non-members any liquor or malt or brewed beverages In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

Hotel restaurant and public service licensees their servants agents or employees may sell liquor and malt or brewed beverages only after [seven] six o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day and shall not sell after two o'clock antemeridian on Sunday or after two o'clock antemeridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employees may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

(The Clerk proceeded to call the roll).

Mr. MORAN. Mr. Speaker.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MORAN. Mr. Speaker, I would like to have the sponsor explain the bill before we vote on it.

The SPEAKER. There is nothing in order at the present time but the calling of the roll.

Mr. MORAN. Mr. Speaker, due to the haste in which

this bill was presented to the House I think we should have enough time to consider it. I think it is no more than right that the bill be explained in order that the Members of the House understand what they are voting on.

The SPEAKER. Will the House give its unanimous consent to have the sponsor explain this bill? Will the gentleman permit himself to be interrogated?

Mr. KENEHAN. No, Mr. Speaker.

The SPEAKER. The sponsor refuses to be interrogated.

Mr. MORAN. Mr. Speaker, if I am in order I ask for a division on this measure.

The SPEAKER. There is nothing in order but the calling of the roll. The sponsor refuses to be interrogated.

QUESTION OF INFORMATION

Mr. MORAN. Mr. Speaker, I arise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. MORAN. Is it possible, Mr. Speaker, to suspend the rules under the present set-up?

The SPEAKER. For what purpose?

Mr. MORAN. In order that the bill may be explained, Mr. Speaker, to the Members of the House, so that they will know what they are voting on. Mr. Speaker is there anybody in the House who knows what the bill is?

The SPEAKER. Apparently not.

Mr. MORAN. Mr. Speaker, that is all the more reason why it should be explained.

The SPEAKER. Will the gentleman from Allegheny, Mr. Moran, explain it to the Members?

Mr. MORAN. I will not, Mr. Speaker; if the author cannot explain it, how am I going to explain it?

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—41

Boney.	Hirsch.	Maxwell.	Rausch.
Bradley.	Kenehan.	McDermott.	Reading.
Brunner P. A.,	Kline.	McLane.	Scanlon.
Corrigan.	Kolaniewicz.	McSurdy.	Skale.
DiGenova.	Komorowski.	Monks.	Stank.
Dolon.	Lesko.	O'Brien.	Vogt.
Falkenstein.	Levy.	O'Mullen.	Weiss.
Finestone.	Lichtenwalter.	O'Neill.	Weiss E. B.
Gallagher.	Lovett.	Petrosky.	Wolf.
Gryskewicz.	Malloy.	Polaski.	Woodring.
Hersch.	Marks.	Powers.	Kilroy.

Speaker.

NAYS—113

Achterman.	Ely.	James.	Rhea.
Auker.	Fisher.	Jones, G. E.,	Rooney.
Baker.	Fiss.	Knoble.	Rose, S.,
Balthaser.	Fleming.	Krise.	Rose, W. E.,
Baughner.	Fletcher.	Lee, E. A.,	Royer.
Bentley.	Foor.	Lee, T. H.,	Sarge.
Bentzel.	French.	Lelsey.	Serrill.
Boorse.	Gates.	Leonard.	Shaw.
Bower.	Gerard.	Longo.	Shepard.
Bretherick.	Gillan.	Lyons.	Simons.
Brown.	Gillette.	McClester.	Sollenberger.
Brunner, C. H.,	Goodwin.	McFall.	Stambaugh.
Burris.	Greenwood.	McIntosh.	Stine.
Cadwalader.	Gross.	McLanahan.	Taylor.
Chudoff.	Gyger.	Modell.	Thompson, R. L.,
Cochran.	Habbyshaw.	Mooney.	Trout.
Cohen, M. M.,	Haberlen.	Moran.	Van Allsburg.
Cohen, R. E.,	Haines.	Moul.	Vincent.

Cook,	Hamilton,	Muir,	Voldow,
Cooper,	Hare,	Nagel,	Wagner,
Coordier,	Harkins,	O'Connor,	Weingartner,
Croop,	Heatherington,	Owens,	Welsh, M. J.,
Dennison,	Heim,	Pettit,	Wilkinson,
Dix,	Hering,	Polen,	Winner,
D'Ortona,	Herman,	Prosen,	Wood, L. H.,
Early,	Hewitt,	Rank,	Woodside,
Eckels,	Holland,	Reagan,	Wright,
Elliott,	Imbrie,	Reese, D. P.,	Yester,
			Young,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION TO ADDRESS HOUSE

Mr. BROWN asked and obtained unanimous consent to address the House.

Mr. Speaker, last week I refrained from making any statement concerning the bills that were before the Assembly because of our limited time. I would like, however, to make the statement that I intended speaking at that time.

During the past few months, laws have been introduced; statements and speeches made, designed to protect our Democratic form of Government. A wave of hysteria has swept over us and we seem to feel that unless these laws are passed, our future is doomed. Little, if any, attention has been given to the structure of our government and whether we ourselves possess those essential qualities that give permanence and stability to our form of government. I would like therefore to challenge our faith and our ideals and in order to bring vividly before you this challenge, briefly to give a feeble explanation of the structure of the government.

The corner stone of a new governmental structure was set in place by the Declaration of Independence, the Bill of Rights constituting the foundation and the Constitution the frame work of this building: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights, that among these rights are life, liberty, and the pursuit of happiness." In these words from the Declaration of Independence we find our security of the past, our present refuge and our future safety. Any attempt to define those immortal words would be indeed futile, yet every man, woman or child can understand what they mean. We know that truth is the ultimate hope of all human endeavor, whether in the realm of metaphysics with Socrates, Aristotle and Plato; or with the great men of science who searched for truth in the laws of nature or those who searched in the past to solve the mysteries of the heavens, or those who presently persist in the search for truth, and by so doing give to the world the new discoveries for man's comfort and security. The artist, the great masters of music are searching for the same goal. What a remarkable discovery therefore comes to us in the form of truths that are self-evident; That all men are created equal; not Jews, Gentiles, Catholics, Protestants, Blacks or Whites—but all men everywhere; that they are endowed by their creator, not by some sovereign power or dictator, but by their Creator with certain inalienable rights; rights that even the state cannot take away. The state may, through a tyrant restrict the free exercise of these rights, but cannot take them away.

What then are some of the liberties possessed by men

that must be forever protected by the state and how and by what methods are they protected?

Freedom of religion, freedom of press, freedom of speech, the right of the people peaceably to assemble and to petition the government for a redress of grievances. Trial by jury, the right to be secure against unlawful searches and seizures and the forbidding of the taking of life, liberty, or property without due process of law would be meaningless words in a world of hysteria and fear were it not for the fact that our organic law by limitations and prohibitions restrains the National Congress, the Legislatures of the various states, the courts and the state constitutions from trespassing upon the supreme law of the land.

Act VI—This Constitution and the Laws of the United States which shall be made in pursuance thereof—shall be the supreme law of the land.

Noteworthy also is the language of Mr. Justice Brewer in *Miller vs. Oregon* 208 U S 412—"It is the peculiar value of a written constitution that it places an unchanging form of limitations upon legislative action and thus gives a permanence and stability to popular government which otherwise would be lacking."

As members of one of three co-ordinate branches of government entrusted with the sacred duty of protecting the liberties with which man is endowed by his Creator, we should at all times be solicitous about our actions. We should not allow ourselves to become over-zealous and we should at all times be cognizant and mindful of the limitations placed upon us. Our laws should not be vague, uncertain and inexpedient. "Miserable is the servitude when the laws are uncertain," said John Dickinson, philosopher and statesman. Rousseau in discourse on political economy gives us the warning signal: "The more laws are multiplied the more they are despised, and all the new officials appointed to supervise them are only so many more people to break them; and either to share the plunder with their predecessors or to plunder apart on their own."

Mr. Justice Matthews in *Hurtado V. U. S.* says, "It is not every act, legislative in form, that is law. Law is something more than mere will exerted as an act of power. It must not be a special rule for a particular person or a particular case—arbitrary power, enforcing its edicts to the injury of the persons and property of its objects is not law, whether manifested as the decree of a personal monarch or of an impersonal multitude."

During the past few weeks, we have listened to many speeches and have voted upon laws dealing with subversive activities (a term not yet clearly defined). Because of the character and the results to be obtained it is doubtful if we can point to a limitation or prohibition whereby the courts would declare some of these laws unconstitutional. However, many of these laws offend the spirit of the constitution and are unwise, obnoxious and vicious. It is the crowning glory of our entire structure of government that the courts cannot always strike down such laws. See *Sharpless vs. Mayor of Philadelphia*, 21 Pa. 147—"If a law as passed is within the scope of the General Assembly's constitutional powers, the court cannot call it void simply because it is impolitic, inexpedient or contrary to natural justice." The people can resort to a power reserved by them under our democratic form of government to correct such evils. It was for this reason that Justice Mitchell in *Commonwealth vs. Moir* 199 Pa.

534, quoting from Cooley on Constitutional Limitations, Ch. 7, Sec. 4, said "The protection against unwise and oppressive legislation, within constitutional bounds is by appeal to the justice and patriotism of the representatives of the people. If this fail the people in their sovereign capacity can correct the evil, but courts cannot assume their right."

It follows that in the proper exercise of our duties, we should not only carefully guard against the passage of laws that are palpably unconstitutional and therefore subject to judicial review, but we should likewise hold ourselves in check against laws that are within constitutional bounds but which offend the spirit of our supreme law. Our motives should always be imbued with tolerance. Reasonable regulations are necessary in a complex society, but such regulations acting as unwarranted restraints and motivated by fears, fanned by the winds of hate and prejudice should never be tolerated in a free assembly. Under no circumstances should fanciful thinking be enthroned in the place of reason, nor should passion rule in our desire to pass laws we think are necessary for the public weal. I give you in this connection the language of Chief Justice Hughes stated in the famous case of *DeJonge v. Oregon* 299 U. S. 334, 1937—"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, is desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government."

Mr. Speaker and Members of the House, before we act further, should we not re-dedicate our own lives to the principles of the equality of man and the right of man to the reasonable free exercise of his God-given liberties. Are we willing to give to the other fellow the right we want for ourselves, though we may violently disagree, or as so ably stated by Mr. Justice Holmes in 279 U. S. 644-654—"If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought, not free thought for those who agree with us, but freedom of thought for those we hate."

In conclusion, I offer no remedies for our confused world or our torn social order or the state of mind that permeates the Members of the House of Representatives, I do, however, challenge you in this brief presentation to live up to both the letter and spirit of the Declaration of Independence and the Constitution of the United States and of the state of Pennsylvania, and without hate or rancour and by example and precept, as lawmakers strive to be worthy of our liberties, keeping always in mind the immortal preamble to our constitution, the beacon light to guide us in the critical days that are ahead: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to our selves and our posterity do ordain and establish this constitution for the United States of America."

The Father of our Country, in addressing the members

of the Constitutional Convention as their presiding officer, said these words, "Let us raise a standard to which the wise and honest may repair." Can we be numbered among the wise and honest?

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 30, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, July 7, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, July 7, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House, for the purpose of considering Senate Bills Nos. 254, 259 and 377.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I request a few minutes of the House's time to report to its members the results of our conferences with the Governor last week and last night.

Before our last meeting with him, which was last evening, Senator Shapiro and I, as well as our Republican colleagues, the gentleman from Dauphin, Mr. Woodside, and Senator Geltz, were convinced that agreement on various points of difference was within sight.

Suddenly, without warning, the Governor threw the whole matter into great confusion by the introduction of an entirely new factor—the "Little WPA" program. This had never been discussed as one of the points of compromise in our meetings with him and his insistence upon adoption of this highly controversial matter at this late date seems completely unwarranted:

It looks very much as though the Governor did not want to reach an agreement. It seems as though he wants to make it impossible for this side of the House to reach any compromise and if he has not broken faith with us, he has come so close to it that the difference is microscopic.

I said last week that I trembled for the future of Pennsylvania during the coming years. After this latest exhibition of sophomoric tactics I must again confess my deep concern for the administration of this Commonwealth.

It is particularly hard to understand in view of the courteous and pleasant treatment we received in our

earlier interviews and an apparent willingness on his part to concede certain matters to us if we were willing to compromise our program to a certain extent.

Maybe it's the heat. Or maybe the Governor is mentally exhausted by the work of the past six months. But whatever the cause, the situation, which was so hopeful a few days ago has again been tied up in knots due entirely to the Governor's injection of new demands.

I had hoped to make a more cheerful announcement to the House this evening. But I must state the facts as they are, unhappy as they may be. We do not know at this point when we shall be able to end this session. And unless the Governor recedes from his present absurd and unwarranted position, I fear very much that we shall be here a considerable length of time after my birthday.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, after the conferences which were held in the Governor's office and the Executive Mansion I think is not the act of a statesman, nor a leader, nor even a first grade politician to make the statements on the floor of the Senate and of the House that were made in connection with the conferences, and I as one of the conferees will not enter into that type of discussion.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1216, as follows:

An Act to amend sections two and six of the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1184) entitled "An act requiring all employable persons receiving public assistance with certain exceptions to perform certain work or be refused further assistance conferring powers and imposing duties on county boards of assistance and on certain State and local officers and employees and on charitable institutions persons copartnerships associations corporations and State and Federal employment officers and requiring payments to the Commonwealth on account of certain work performed" by further defining the work to be done and rate of pay to be received by employables

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two and six of the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1184) entitled "An act requiring employable persons receiving public assistance with certain exceptions to perform certain work or be refused further assistance conferring powers and imposing duties on county boards of assistance and on certain State and local officers and employees and on charitable institutions persons copartnerships associations corporations and State and Federal employment officers and requiring payments to the Commonwealth on account of certain work performed" are hereby amended to read as follows

Section 2 All employable persons receiving assistance except those receiving assistance as dependent children or their mothers or as aged persons or blind persons shall be required to perform such suitable work as may be assigned to them by the county board of assistance Any person refusing to perform any such suitable work without reason deemed sufficient by the county board shall be refused further assistance until he or she shall comply with the provisions of this act

Suitable work shall be deemed to be only work or

occupation which said person is accustomed to perform or work of a similar nature and character

Section 6 During any week any such employable shall work in return for assistance received he shall be required to work only such number of hours as he would work if paid a compensation by the employer equal to such assistance at the prevailing rate of pay in the locality where the work is being done Such work shall be performed during the week for which the assistance is being or is to be received The [county board] State board of assistance shall in all cases be the judge of the prevailing rate of pay in the locality for the particular type of work

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LOVETT. Mr. Speaker, I do not rise at this time to oppose the amendments to this bill, but I do want to say that this particular type of legislation has no place on the statute books of the state of Pennsylvania. If this kind of laws were enacted over in Russia I would say all right, but this type of legislation in my mind has no place on the statute books anywhere in a democracy.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Melchiorre, McClanaghan and Monks asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—113

Achterman,	French.	McClanaghan,	Reese, R. E.,
Baker,	Gallagher,	McDermott,	Reynolds,
Balthaser,	Gerard,	McFall,	Rooney,
Baughner,	Goodwin,	McIntosh,	Rose, S.,
Bentley,	Gryskewicz,	McLanahan,	Rush,
Bentzel,	Haberlen,	McLane,	Sarraf,
Boles,	Hamilton,	McSurdy,	Scanlon,
Bradley,	Harkins,	Melchiorre,	Shaffer,
Brown,	Heatherington,	Mihm,	Shaw,
Brunner, P. A.	Hering,	Modell,	Shepard,
Chervenak,	Herman,	Monks,	Skale,
Chudoff,	Hersch,	Mooney,	Stank,
Cochran,	Hirsch,	Moran,	Stine,
Cohen, M. M.,	Holland,	Moul,	Tarr,
Cohen R. E.,	Jefferson,	Munley,	Tate,
Corrigan,	Jones, P. N.,	Nagel,	Thompson, E. F.,
Croop,	Keenan,	Nunemacher,	Vincent,
Cullen,	Kenehan,	O'Connor,	Voldow,
DiGenova,	Kilne,	O'Mullen,	Watkins,
Dolon,	Kolankiewicz,	O'Neill,	Wells,
D'Otona,	Komorowski,	Owens,	Welsh, E. B.,
Early,	Leonard,	Petrosky,	Welsh, M. J.,
Elliot,	Lesko,	Pettit,	Williams,
Falkenstein,	Levy,	Polaski,	Wolf,
Finestone,	Longo,	Polen,	Woodring,
Finnerty,	Lovett,	Powers,	Wright,
Fletcher,	Malloy,	Prusen,	Yester,
Flynn,	Marks,	Rausch,	Young,
	Maxwell,	Readinger,	Kilroy.

Speaker.

NAYS—67

Auker,	Gillan,	Lee, T. H.,	Sollenberger,
Boorse,	Greenwood,	Lelsey,	Sorg,
Bretherick,	Gross,	Leydic,	Stambaugh,
Cadwalader,	Gyger,	Lichtenwalter,	Stockham,
Cook,	Habbyshaw,	Lyons,	Taylor,
Cooper,	Haines,	McClester,	Thompson, R. L.,
Cordier,	Hall,	McMillen,	Trout,
Dalrymple,	Hare,	Muir,	Turner,
Dennison,	Helm,	Rank,	Van Allsburg,
Dix,	Hewitt,	Reese, D. P.,	Wagner,
Eckels,	Huntley,	Rhea,	Weingartner,

Fisher,
Fiss,
Fleming,
Foor,
Gates,

Imbrie,
James,
Jones, G. E.,
Knoble,
Krise,
Lee, E. A.,

Rose, W. E.,
Royer,
Sarge,
Serrill,
Simons,
Snyder,

Wilkinson,
Winner,
Wood, L. H.,
Wood, N.,
Woodside,
Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. BAKER asked and obtained permission for the Committee on Insurance to meet during the session of the House.

Mr. REUBEN E. COHEN asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 212.

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledge and to make uniform the law with reference thereto.

SENATE BILL No. 782.

An Act to further amend subsections (a) (b) and (c) of section one thousand two hundred and one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by person associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for eject-

ment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing a regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulation and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislative supplied and superseded by or inconsistent with this act further providing for assessment of regulatory expenses upon public utilities.

SENATE BILL No. 788.

An Act to amend sections one and two of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1647) entitled "An act relating to the registration of motor vehicles and the licensing of certain operators thereof and providing for the suspension of the registration of any motor vehicle or of the operator's license of any operator of a motor vehicle by the Secretary of Revenue for violation of the provisions of the public [service] utility company law authorizing the rescission of such suspension and providing for the disposition of fees" by extending the provisions thereof to contract carriers by motor vehicle.

SENATE BILL No. 789.

An Act to amend section eleven of the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulation of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania" by expressly providing for administration of the Public Utility Law of June first one thousand nine hundred and thirty-seven (P. L. 1053) by the Public Utility Commission and directing said commission certify certain questions of fact as to the purity of water to the Department of Health

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1098

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1098.

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1661.

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred thirty-nine (P. L. 111), entitled "An act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws," providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

With the information that the Senate has passed the same without amendment.

HOUSE BILL No. 251 TAKEN FROM TABLE

Mr. O'NEILL. Mr. Speaker, I move that House Bill No. 251, together with the communication from the Governor which was laid on the table June 26, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

RESOLUTION RECALLING APPROVAL OF
HOUSE BILL No. 251

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.
To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 251, Printer's No. 106, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. O'NEILL. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. MUNLEY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Lackawanna, Mr. O'Neill vote on the final passage of this bill?

Mr. O'NEILL. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Lackawanna, Mr. Munley, vote on the final passage of this bill?

Mr. MUNLEY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. O'NEILL. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Messrs. O'NEILL and MUNLEY. Mr. Speaker, we ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1 (section 11) page 3, line 10 by striking out at the beginning of the line, with slanted light-faced brackets, the word: "[employer]".

Amend section 1 (section 11), page 3, line 10 by inserting after the word "others" and before the word "liable" the following: "except employers."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1727, as follows:

An Act providing that proceedings acts and bonds issued by Authorities incorporated under the Municipality Authorities Act as amended and supplemented shall not be invalid by reason of certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No proceedings heretofore taken and no acts heretofore done by Authorities incorporated under the Municipality Authorities Act approved June 28, 1935 (P. L. 463) as amended and supplemented and no bonds heretofore issued by such Authorities shall be invalid by reason of the fact that any member of the Board or any

officer of said Authority was at the time of such proceedings the taking of such action or the issuance of such bonds a member or officer of the governing body of the incorporating municipality or municipalities or an officer thereof provided that such proceedings acts or bonds are otherwise valid. The provisions of this act shall not validate any proceedings acts or bonds issued by any Authority the validity of such proceedings acts or bonds issued which is now the subject of any action in any court of this Commonwealth.

Section 2 This act shall become effective immediately upon its final enactment.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. RUSH. Mr. Speaker, I rise in opposition to House Bill 1727, Printer's No. 957, and I would like to know whether it would be proper to discuss in connection with House Bill No. 1727 House Bill No. 1728 at the same time, because they are companion bills.

The SPEAKER. If there is no objection the gentleman will be privileged to discuss both bills at this time. The Chair hears none.

Mr. RUSH. Mr. Speaker, House Bill No. 1727, Printer's No. 957, is an act that is drawn up for the purpose of holding that bonds that have been sold by municipal authorities shall not be invalidated by any proceeding heretofore taken. The act provides as follows:

"The provisions of this act shall not validate any proceedings, acts or bonds issued by any authority, the validity of such proceedings, acts, or bonds issued which is now the subject of any action in any court of this Commonwealth."

Mr. Speaker, in order properly to discuss these bills I should like to go back into a little history of the Municipal Authorities Act. That has a great bearing upon these bills and I think it is because of certain acts that have taken place that these bills have been introduced.

The 1935 Municipal Authorities Act allowed the creating of municipal authorities in the state of Pennsylvania for various purposes which are enumerated in the act, among which was the building of roads, bridges, and tunnels and so on and so forth.

The act was further amended in 1939 to include the construction of water works or water systems. In 1939 the act was so amended that it would allow these authorities secretly to purchase water companies, and because of that amendments to that act we have today in the state of Pennsylvania many water companies that have been purchased, where stocks and bonds have been issued and the purchase price for those water companies or water systems was much greater than the cost for which those same water companies or water systems could be reproduced today. As a result, we have in the courts of Pennsylvania at the present time and in my own county of Delaware cases pending where they are trying to declare these bonds and stocks invalid, and they are trying to recover money that has been expended over and above what the cost of that water company should be.

Mr. Speaker, I have a report that has been compiled by the Public Utility Commission, showing that there are today in the state of Pennsylvania some forty municipalities which have created municipal authorities, a

great number of which have purchased water companies, and in almost every instance the price paid for those water companies has been greatly in excess of what those same companies could be reproduced for today. Therefore the moneys of those communities have been misspent. As I said before, Mr. Speaker, there have been proceedings instituted in two counties in Pennsylvania where they are going to try to invalidate those stocks and bonds and the citizens are going to try to recover the money that has been spent for the stocks and bonds. I know there is going to be an argument presented here saying that the cost of the litigation will be terrible unless such an act is passed as we have before us. I say to you that the cost to the citizens of Pennsylvania, instead of being greater if this bill is passed, the citizens of those communities where the purchase price has been greater than the water companies can be reproduced for today will pay a much greater price than would be paid if this act were not passed.

House Bill No. 1728 is a companion bill, which will allow the creating of authorities of the municipal governments, such as members of city council, borough council, or township council, to be members of the authority, and I believe that is the case in some thirty-eight municipal authorities in the state of Pennsylvania today, most of which have been created since the passage of that amendment in 1939. We have just recently, in the courts of Beaver County, had a decision handed down where the members of the council of Beaver Falls were ousted as members of the authority, and that case has been appealed to the Supreme Court. We have in Delaware County at the present time a case pending where the Mayor has been ousted and no doubt the other members of council will be ousted from their positions.

House Bill 1728 provides

"Any member of the governing body or any officer of any municipality or municipalities empowered to create Authorities under the Municipal Authorities Act may be a member of the board or governing body or an officer of any authority heretofore or hereafter so created, the said offices shall not be deemed to be incompatible."

Mr. Speaker, in the decision handed down by Judge Brown of Beaver County he states that in every case where the members of the creating authority have legislated creating positions and then appointed themselves to those positions, and they can under the Municipal Authorities Act pay themselves salaries, that the offices are incompatible, and in every instance, not only in this state but in every other state of the United States, that decision has been sustained that members of the creating body cannot legislate creating positions appointing themselves to positions and paying themselves salaries, thereby circumventing the Constitution which does prohibit an elected officer from having his salary increased during his term of office. If House Bill 1728 is passed I am afraid that the actions in the lower courts when appeals are heard in the Supreme Court, will have a direct bearing upon the decision of the Supreme Court because the Supreme Court will then say that this Legislature says it is alright for the members of creating bodies to be members of the authority. In the case in Beaver Falls an appeal has been taken to the Supreme Court and an appeal has been taken in Delaware County to the Supreme Court. If this General Assembly passes House

Bill 1728, Printer's No. 958, we are saying to the Supreme Court that we think it is alright for a municipal government to legislate creating a job and then appoint themselves to that job and if need be pay themselves an additional salary. In the case in Delaware County the Chester Municipal Authority was created by the Mayor and members of council and they appointed themselves as the municipal authority and paid themselves a salary of twelve hundred dollars a year. I have no objection to the members of these municipal authorities receiving a salary because some of them have a big job and I think the work they do entitles them to some salary. However, I do not think it is right for the mayor and the members of council to create an authority and name themselves as members of that authority and then proceed, as they do now and have done before under the Municipal Authorities Act of Pennsylvania to expend the taxpayer's money and do that job secretly.

Mr. Speaker, it has been alleged in Delaware County and admitted by the defendants that there were two hundred and fifty thousand dollars profit made on the taxpayers' money in the purchase of the water company in Chester, eighty-five thousand dollars of which was admitted by John J. McClure to have been received by him. His business partner, William Purdy, admitted that he had received eighty-five thousand dollars. A former member of this House of Representatives, Mr. Thomas Curran, has admitted that he received twenty thousand dollars. A deputy Attorney General, Mr. John Diggins, admitted that he received twenty thousand dollars. Mr. John Connelly in Philadelphia said he received a sum of money so that two hundred and fifty thousand dollars of the taxpayers' money that was spent there represented a profit. There is an additional three hundred and seventy-five thousand dollars that has not been accounted for, and the case is now before the courts in Delaware County. If we pass these House Bills 1727 and 1728 then we are saying that the actions of these men have been alright or we approve of the actions there, and say "just go ahead."

Mr. Speaker, I admit there are other municipal authorities in Pennsylvania that have not been accused of any wrong doing. I also happen to know that there has been pressure brought to bear on many of the Members of the House of Representatives here from boroughs, townships and the officials back home, asking them to vote for these bills, but I submit to you, that we have never allowed in the history of this commonwealth a body to legislate creating positions and then appointing themselves to those positions, and especially allowing them to pay themselves an additional salary. I think these two bills are vicious and I say they should be defeated.

Mr. Speaker, I am asking the Members of the House to vote "no" on House Bills 1727 and 1728. Let us say to the people of Pennsylvania that we do not approve of the acts that have taken place all over the state of Pennsylvania and I am asking again the Members to vote "no" on these two bills.

Mr. HARKINS. Mr. Speaker, I just wish to make clear a few points in connection with these bills. These two bills are purely procedural bills, merely changes in the law. They are merely statements as to the one bill that the office of a member of a municipal authority and the office of a councilman are not incompatible.

That, Mr. Speaker, is a subject to which this legislature is properly qualified to act upon.

House Bill 1727 is a bill which merely states that no acts or proceedings of any of these municipal authorities shall be invalidated because of the fact that the members of that municipal authority also were members of the Council in the same municipality.

I am afraid, Mr. Speaker, that because there may have been some misdeeds committed in a few municipalities, that all municipal authorities in the state of Pennsylvania may suffer unless these bills are passed.

I am not afraid, Mr. Speaker, that these bills will justify any wrong doing of any description. These bills are not bills that will operate in the past; they are bills which will operate from the time they are passed, and the only one which would not operate in retrospect is the bill that would validate the proceedings of the municipal authorities, but only validate them, Mr. Speaker, or rather only prevent them from being invalid because some of the members of the authority were members of the Council.

Let me make clear that these bills will not validate any wrongful act, conspiracy or act of fraud. These bills of course will not prevent any fraud in the future if the people are dishonest, but it is not the purpose of these bills, Mr. Speaker, to do that. These bills are merely changes in the substantive law as I have set forth before. If there have been any criminal acts done in the past those criminal acts can still be punished and these bills will not interfere with the punishment of those persons who have committed wrongful or criminal acts. I ask that these bills be supported.

Mr. LONGO. Mr. Speaker, I rise to ask the members of the House to support House Bills 1727 and 1728. As a representative, privileged to represent the City of Bethlehem in Northampton County, I am familiar with the authorities and especially the Water Authority of that city.

We have a project in the city of Bethlehem involving millions of dollars. The mayor of the city and the councilmanic body act as directors of its water authority. They have appointed themselves as directors, without compensation.

The project, being a vast one, is practically completed and in a few weeks the residents of the city of Bethlehem hope to enjoy the benefits and advantages of having spring water, coming a distance of 35 miles, into the home and table of every resident therein.

If Mr. Rush's argument is to be accepted as the proper interpretation of the bills now before the House, the damage resulting therefrom would cause irreparable damage and place the financial structure of the authority in jeopardy and chaos. Bonds have been issued by this authority, which bonds have been purchased by many financial institutions and individuals.

The lower court in the counties of Delaware-Beaver have concluded that where the members of council with its mayor have appointed themselves as directors, their holding of such office would be incompatible. Should the Supreme Court affirm this decision, what effect would this have on the bonds issued by these directors, who in most cases have performed their duties as public officers should, with trust and fidelity?

Certainly the men who have performed their duty according to law, as they in good faith believed it to be,

should not be penalized for the criminal acts and criminal conspiracies of men who actually conspired to cheat and defraud the taxpayers' of their respective districts. If the men in Delaware County have done a wrong they should be prosecuted in the criminal courts. Only there can they receive their just due.

I sympathize with the gentleman of Delaware County. It is a sad state of affairs, yet the men of that councilmanic body were elected by the people of that district, they have their way of doing business, whether honest or dishonest, yet that condition may be corrected by the citizens of that political subdivision at the next election.

In conclusion, I again ask the members of this House to support the two bills now before us. Protect the people and institutions who acted honestly and in good faith when they purchased the bonds issued by a group of public officials who have discharged their duties with respect and honor to themselves and the district which they represent. There are more than 40 authorities in the state of Pennsylvania, yet only two of them were infested with fraud. Let the criminal courts decide the fate and future of those men.

Confusion will be prevented by the passage of House Bills 1727 and 1728.

Mr. RUSH. Mr. Speaker, I know something of the situation of that authority in Bethlehem and I want to say that that has been one authority in the state of Pennsylvania where there has been no question as to their actions. However, we have a number of other authorities in the state of Pennsylvania that perhaps may not be as honest as the one in Bethlehem. I have here in my hand a newspaper dated March 2nd, where the deal was denied in the Scranton water plant, and I might say for your information and for the information of the Members of the House that the very same people who are involved in the deal in Delaware County, the Federal Water Service Company and the C. W. McNear Company of Chicago, were involved in the deal in Scranton, where there was a profit of \$84,500 made by one man, a profit of \$85,000 made by another man and a profit of \$20,000 made by two other men. I do not know whether these figures have any significance or not but it is the same amount of profit that was made in the deal in Delaware County.

I also have here a copy of another newspaper where the authority in Montgomery County had a similar deal set up, and because of the expose in Delaware County the deal was called off. There are four similar instances where the money of the taxpayers' in these various municipalities would have been misspent and they would have paid for them for the rest of their lives in increased water rates. Mr. Speaker, there must be a reason because there are certain individuals who are interested in having these acts passed at the present time. I might say for their information that I have been approached in connection with these bills and in connection with House Bill 1322, which was introduced to correct some of the situation and an amendment to the Municipal Authorities Act, and I was told if these bills went through it would have an effect on the building of the Delaware River tunnel in my own county of Delaware. I happen to know that the individuals who are members of that authority and the person who is counsel for that authority are very much interested in having these bills

enacted. Now, why? Certainly we have enough people in the state of Pennsylvania who can be appointed to operate these authorities without having members of the municipal government as members of those authorities. It was said to me in some of the conferences in connection with the amendments to this act that there was no one in the boroughs or in the townships who were capable of operating these authorities except those persons who were elected as township or borough or city commissioners. I want to say, Mr. Speaker, that in Chester we have many hundreds of people who are just as capable of operating these authorities and also operate them just as efficiently as the members of council, and they will be operated in such a way that the citizens of those cities can find out something about what is going on, which cannot be found out at the present time. As I said before, I can see no good reason why there should be so much interest displayed in passing legislation that will keep the members of these authorities on the authorities, when they are also members of the township, borough, or city governments. There must be a reason for it. As I said before, Mr. Speaker, I have a report from the Public Utility Commission which shows that in almost every instance where there were water companies purchased that the price paid had been anywhere from one hundred thousand to one million dollars more than what those same companies or water services could be reproduced to pay. If that is not a waste of the taxpayers' money, if those taxpayers in those communities will not have to pay that for the rest of their lives, then I miss my guess. Let us not say to the half million citizens of Pennsylvania that will be affected by this legislation today that the action is alright, go ahead and pay this money when you so desire, it is perfectly alright because this legislature said so. Mr. Speaker, I ask the Members of this House again to vote these two bills down.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—146

Achterman,	Goodwin,	Lyons,	Sarraf,
Auker,	Greenwood,	Malloy,	Serrill,
Baker,	Gross,	Marks,	Shaffer,
Balthaser,	Gryskewicz,	McClanaghan,	Shaw,
Baughner,	Gyger,	McClester,	Shepard,
Bentley,	Habbyshaw,	McDermott,	Simons,
Bentzel,	Haberlen,	McFall,	Skale,
Boles,	Haines,	McIntosh,	Snyder,
Boorse,	Hall,	McKinney,	Sollenberger,
Bower,	Hare,	McLanahan,	Stambaugh,
Bradley,	Harkins,	McLane,	Stank,
Bretherick,	Heatherington,	McMillen,	Stockham,
Brunner, C. H.,	Hering,	McSurdy,	Tate,
Brunner, P. A.,	Herman,	Melchiorre,	Taylor,
Burris,	Hersch,	Monks,	Thompson, E. F.,
Cadwalader,	Hewitt,	Moran,	Thompson, R. L.,
Cochran,	Holland,	Moul,	Trout,
Cohen, M. M.,	Huntley,	Muir,	VanAllsburg,
Cooper,	Imbrie,	O'Brien,	Voldow,
Corrigan,	James,	O'Connor,	Wagner,
Croop,	Jefferson,	O'Mullen,	Watkins,
Dalrymple,	Jones, G. E.,	Owens,	Welingartner,
Dennison,	Keenan,	Pettit,	Weish, E. B.,
DiGenova,	Kline,	Polaski,	Weish, M. J.,
Early,	Knoble,	Polen,	Wilkinson,
Eckels,	Kolankiewicz,	Powers,	Winner,
Ely,	Krise,	Prosen,	Wolf,
Falkenstein,	Lee, E. A.,	Rank,	Wood, L. H.,
Finestone,	Lee, T. H.,	Rausch,	Wood, N.,
Finerty,	Lelsey,	Readinger,	Woodring,

Fiss, Fleming, Fletcher, Foor, Gates, Gerard, Gillette,	Leonard, Lesko, Levy, Leydic, Lichtenwalter, Longo, Lovett,	Reagan, Reese, D. P., Rhea, Rose, S., Rose, W. E., Royer, Sarge,	Woodside, Wright, Yeakel, Yester, Young, Kilroy, Speaker.
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NAYS—19

Chervenak, Cordier, Dix, Dolon, Elliott,	Flynn, French, Gallagher, Hamilton, Hirsch,	Jones, P. N., Kenehan, Maxwell, Munley, O'Neill,	Petrosky, Reese, R. E., Rush, Tarr, Vincent, Weiss,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1728, as follows:

An Act relating to the compatibility of office of members of the Boards and officers of the Authorities incorporated under the Municipal Authorities Act as amended and supplemented

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any member of the governing body or any officer of any municipality or municipalities empowered to create Authorities under the Municipality Authorities Act approved June 28, 1935 (P. L. 463) as amended and supplemented may be a member of the Board of governing body or an officer of any Authority heretofore or hereafter so created the said offices shall not be deemed to be incompatible

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass, finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—144

Achterman, Auker, Baker, Balthaser, Baughner, Bentley, Bentzel, Boles, Boney, Boorse, Bower, Bradley, Bretherick, Brunner, C. H., Brunner, P. A., Burris, Cadwalader, Cochran, Cohen, M. M., Cook, Cooper, Corrigan, Croop, Dairymple, Dennison, DiGenova, Early,	Gates, Gerard, Gillette, Greenwood, Gross, Gyger, Habbyshaw, Haberlen, Haines, Hall, Hare, Harkins, Heatherington, Helm, Hering, Herman, Hersch, Hewitt, Holland, Imbrie, James, Jefferson, Jones, G. E., Keenan, Kline, Knoble, Kolankiewicz,	Longo, Lyons, Malloy, Marks, Maxwell, McClanaghan, McClester, McDermott, McFall, McIntosh, McKinney, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Monks, Mooney, Moran, Moul, Muhr, O'Brien, O'Connor, O'Mullen, Owens, Polaski, Powers,	Sarge, Sarraf, Serrill, Shaffer, Shaw, Shepard, Simons, Skale, Snyder, Sollenberger, Sorg, Stambaugh, Stank, Stine, Stockham, Tate, Taylor, Thompson, R. L., Trout, Voidow, Wagner, Watkins, Welsh, E. B., Welsh, M. J., Wilkinson, Wolf, Wood, L. H.,
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Eckels, Ely, Falkenstein, Finestone, Finnerty, Fiss, Fleming, Fletcher, Flynn, Foor,	Krise, Lee, E. A., Lee, T. H., Lelsey, Leonard, Lesko, Levy, Leydic, Lichtenwalter, Royer,	Prosen, Rank, Rausch, Readinger, Reese, D. P., Reynolds, Rhea, Rose, W. E., Royer,	Wood, N., Woodring, Woodside, Wright, Yeakel, Yester, Young, Kilroy, Speaker.
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NAYS—18

Chervenak, Cordier, Dix, Dolon, French,	Hamilton, Hirsch, Jones, P. N., Kenehan, Lovett,	Munley, O'Neill, Petrosky, Reese, R. E.,	Rush, Tarr, Vincent, Weiss,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1804, (Senate Bill No. 1023), entitled:

An Act to further amend Section 1033 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" extending the provisions of such section for a further period of two years.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MORAN. Mr. Speaker, I would like to have this bill explained please.

The SPEAKER. The sponsors are Senators. Whom does the gentleman wish to interrogate?

Mr. MORAN. Mr. Speaker, I do not want to interrogate anybody. I want somebody to explain the bill. There ought to be somebody in the House who is able to explain this bill.

The SPEAKER. If the gentleman has any particular member in mind he desires to interrogate, the Chair will request such member to explain the bill.

Mr. MORAN. Mr. Speaker, it is customary when a bill comes from the Senate to the House that somebody in the House is able to explain the bill; that somebody is

delegated to explain the bill. I do not know that we ever brought a Senator over here to explain their own bill, so some Member of the House ought to be able to do so.

The SPEAKER. The Senators are not entitled to the privilege of the floor.

Mr. MORAN. Then, Mr. Speaker, someone in the House ought to be able to explain it.

The SPEAKER. Is there any Member of the House who wishes to explain this bill? The Chair hears no response.

Mr. MORAN. Mr. Speaker, I would like to ask again if any Member of the House can explain this bill?

The SPEAKER. The answer apparently is "no."

Mr. MORAN. For the information of the House, if I may be permitted, I would like to say that this bill is a convoy bill, to allow convoys to take automobiles over the highways, that is, convoys which carry about four automobiles on the highways. Just so we know what we are voting on. If this bill passes they will not be permitted on the highways.

POINT OF ORDER

Mr. O'BRIEN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. O'BRIEN. Mr. Speaker, is there anything in order other than the calling of the roll?

The SPEAKER. The gentleman is in order in asking for information.

QUESTION OF INFORMATION

Mr. MORAN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. MORAN. Mr. Speaker, if this bill is passed will it then permit the convoys to continue on the highways or will it not?

The SPEAKER. It will permit them.

Mr. MORAN. That is all I wanted to know, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Fleming, Gates and Moran asked for a verification of the roll.

The roll was verified as follows:

YEAS—118

Achterman,	For.	Lovett.	Scanlon.
Baker.	Gallagher,	Lyons.	Serrill.
Baughner,	Gerard.	Malloy.	Shaw.
Bentley.	Gillan.	Marks.	Shepard.
Bentzel.	Gillette.	Maxwell.	Skale.
Boles.	Greenwood.	McClanaghan.	Snyder.
Boorse.	Gyger.	McFall.	Sorg.
Bradley.	Habbyshaw.	McKinney.	Stockham.
Bretherick.	Haberlen.	McLanahan.	Tarr.
Brown.	Haines.	McMillen.	Tate.
Chervenak.	Hare.	Melchiorre.	Thompson, E. F.
Chudoff.	Harkins.	Modell.	Trout.
Cochran.	Herman.	Monks.	Turner.
Cohen, M. M.	Hersch.	Mooney.	Van Allesburg.
Cohen, R. E.	Hirsch.	Moul.	Voldow.
Cook.	Hirsche.	Muir.	Wagner.
Corrigan.	Imbrie.	O'Brien.	Watkins.

Croop.	James.	O'Mullen.	Weingartner.
Cullen.	Jefferson.	Owens.	Weise.
Dalrymple.	Kenehan.	Petrosky.	Welsh, E. B.
Dennison.	Knoble.	Polaski.	Wilkinson.
DiGenova.	Kolankiewicz.	Powers.	Winner.
D'Ortona.	Komorowski.	Prosen.	Wood, L. H.
Eckels.	Lee, E. A.	Reynolds.	Wood, N.
Ely.	Lee, T. H.	Rhea.	Wright.
Falkenstein.	Leonard.	Rose, W. E.	Yeakel.
Finestone.	Lesko.	Rosenfeld.	Young.
Finnerty.	Levy.	Royer.	Kilroy.
Fiss.	Leydic.	Sarge.	Speaker.
Flynn.	Lichtenwalter.	Sarra.	

NAYS—59

Auker.	French.	Longo.	Reese, D. P.
Balthaser.	Gates.	McClester.	Reese, R. E.
Boney.	Goodwin.	McDermott.	Riley.
Bower.	Gross.	McIntosh.	Rush.
Brunner, C. H.	Gryskewicz.	McSurdy.	Shaffer.
Brunner, P. A.	Hall.	Moran.	Sollenberger.
Burris.	Hamilton.	Munley.	Stambaugh.
Cadwalader.	Heatherington.	Nagel.	Stank.
Cooper.	Hewitt.	Nunemacher.	Taylor.
Cordier.	Holland.	O'Connor.	Thompson, R. L.
Dix.	Huntley.	O'Neill.	Vincent.
Dolon.	Jones, G. E.	Pettit.	Welsh, M. J.
Early.	Kline.	Polen.	Wolf.
Elliott.	Krise.	Rausch.	Woodring.
Fleming.	Leisey.	Readinger.	Yester.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence:

REASONS FOR VOTE

Mr. BENTLEY filed the following reasons for his vote: House Bill No. 1804 (Senate Bill No. 1023) The national emergency and defense program, requiring the utmost use of all of our transportation facilities, as presently constituted, justifies in my opinion the further extension for a two year period of the "convoy" system.

This question is and has been in existence for a number of years. In this respect it differs from the "big truck" bill, which would have permitted the future construction and use of larger vehicles. To this latter I was and am opposed.

BILLS ON THIRD READING

Mr. O'BRIEN asked and obtained unanimous consent to call up out of order House Bill No. 602, Printer's No. 1057, on page 17 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 602, entitled:

An Act to amend sections eight hundred one and nine hundred seventy-six of the act approved the third day of June one thousand nine hundred thirty-seven (P. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections the Secretary of the Commonwealth and the courts.

On the question,

Will the House agree to the bill on third reading?

Messrs. BROWN and HARKINS. Mr. Speaker, we ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 2, (sec. 976) page 8, lines 9 to 14, both inclusive, by striking out the words "review the" in line 9, all of lines 10, 11, 12 and 13, and the words "competent evidence" in line 14, and inserting in lieu thereof the following "hear the case de novo."

Amend sec. 2, (sec. 976) page 8, line 18, by inserting after the words "certificate" the following: "From any decision of the court of common pleas an appeal may be taken, within two days after the entry thereof, to the Superior Court."

Amend sec. 2, (sec. 976) page 8, line 19, by inserting after the word "court" the following: "of common pleas and of the Superior Court."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Mr. CORDIER asked and obtained unanimous consent to call up out of order House Bill No. 448, Printer's No. 1079, on page 18 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 448, entitled:

An Act to further amend clause (e) of section seven and to amend the first paragraph of section nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by redefining eligibility for assistance providing for appeals from certain decisions of the Department of Public Assistance to common pleas courts and imposing powers and duties on common pleas court

On the question,

Will the House agree to the bill on third reading?

Mr. BROWN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec 7, subsection (e), page 3, line 18, by striking out light-faced bracket before the word "and."

Amend Sec. 7, subsection (e), page 3, line 19, by striking out light-faced bracket after the word "final" and inserting immediately thereafter: "except as otherwise herein-after provided."

Amend Sec. 7, subsection (e), page 3, line 23, by striking out the words "as aforesaid."

Amend Sec. 7, subsection (e), page 3, line 25, by inserting after the word "decision": "of a County Board of Assistance or."

Amend Sec. 7, subsection (e), page 3, lines 26 and 27, by striking out the words "in whole or in part" and inserting in lieu thereof: "because he is deemed ineligible under Section 9 of this act as a person who advocates or actively participates by an overt act or acts in a movement proposing a change in the form of Government of the United States by means not provided for in the Constitution of the United States. Such appeal may be made."

Amend Sec. 7, subsection (e), page 3, line 28, by inserting after the word "decision": "of the County Board of Assistance or."

Amend Sec. 7, subsection (e) page 4, line 7, by inserting after the word "assistance": "or County Board of Assistance."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

Mr. CORDIER. Mr. Speaker, while I feel that this bill as it was amended on second reading was materially weakened, this amendment will add some strength to it. I shall make some remarks relative to the weakening process when the measure is up for final passage tomorrow. I am asking my colleagues on this side of the House to support this amendment, as it will provide a method of appeal under this act for relief recipients receiving general assistance.

On the question recurring.

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Mr. CORDIER asked and obtained unanimous consent to call up out of order House Bill No. 413, Printer's No. 1080, on page 18 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 413, entitled:

An Act prohibiting the employment by the Commonwealth or any political subdivision thereof or by any authority or any institution receiving public funds of persons who hereafter advocate and actively participate in a movement proposing a change of the government of the United States by means not provided for in the Constitution of the United States providing for dismissals under existing laws and permitting appeals to courts of common pleas in cases not covered by civil service or tenure laws.

On the question,

Will the House agree to the bill on third reading?

Mr. BROWN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 12 of title, by inserting after the word "pleas" the following: "and appellate courts."

Amend title, page 1, line 12 of title, by inserting after the word "in" the following: "all such".

Amend title, page 1, last line of title, by striking out all of said line.

Amend Sec. 1, page 2, lines 18 to 20, by striking out the following: "not having the right to be heard under any" in line 18, all of line 19, and the following "missal" in line 20.

Amend Sec. 1, page 2, line 22, by inserting after the word "hearing" the following: "all testimony de novo."

Amend Sec. 1, page 2, lines 26 and 27, by striking out the following "The decision of the court of common pleas shall be final Said appeal" and inserting in lieu thereof: "From the final order of the court of common pleas, any party in interest who feels aggrieved by such order may appeal to the Superior or Supreme Court in accordance with the law now governing appeals to such courts. All appeals."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1543.

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, at the end of line 6, by inserting after the word "court" the words "and the Bureau of Vital Statistics of the Department of Health."

Amend Section 1, page 3, at the end of line 3, by striking out the word "or" and inserting in lieu thereof the word "and"; also same page, line 9, by inserting after the word "effect" the words "by such priest minister or other officer"; also same page, at the end of line 14, by striking out the word "or" and inserting in lieu thereof the word "and"; also same page, at the end of line 22, by inserting after the word "facts" the words "Provided however that if the information required above is not available the court may require such other information including public or private records as will satisfy it"; also on page 4, at the end of line 2, by inserting after the word "court" the words "In order that the form of petition in the several counties may be uniform the Bureau of Vital Statistics of the Department of Health shall prescribe the form of petition required under Section 1 of this act."

Amend Section 2, page 4, by inserting after line 25 the following paragraph:

"The Orphans' Court is hereby authorized to appoint a standing Master or Masters to whom such petitions may be referred who shall upon such reference hold the hearing specified in this Section and make recommendations to the Orphans' Court for approval or disapproval of the petition with an appropriate form of decree. Such Master or Masters shall be paid by the county such compensation as the Orphans' Court shall fix."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Skale,
Bradley,	Gyger,	McLanahan,	Snyder,
Bretherick,	Habbyshaw,	McLane,	Sollenberger,
Brown,	Haberlen,	McMillen,	Sorg,
Brunner, C. H.,	Haines,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hall,	Meichlorre,	Stank,
Burns,	Hamilton,	Mihm,	Stine,
Burris,	Hare,	Modell,	Stockham,
Cadwalader,	Harkins,	Monks,	Tarr,
Chervenak,	Heatherington,	Mooney,	Tate,
Chudoff,	Helm,	Moran,	Taylor,
Cochran,	Hering,	Thompson, E. P.,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Muir,	Trout,
Cohen, R. E.,	Hersch,	Munley,	Turner,
Cook,	Hewitt,	Nagel,	Van Allsburg,
Cooper,	Hirsch,	Nunemacher,	Verona,
Cordier,	Holland,	O'Brien,	Vincent,
Corrigan,	Huntley,	O'Connor,	Vogt,
Croop,	Imbrie,	O'Dare,	Voldow,
Cullen,	James,	O'Mullen,	Voorhees,
Dalrymple,	Jefferson,	O'Neill,	Wagner,
Dennison,	Jones, G. E.,	Owens,	Watkins,
Digenova,	Jones, P. N.,	Petrosky,	Weingartner,
Dix,	Keenan,	Pettit,	Weise,
Dolon,	Kenehan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kline,	Polen,	Welsh, M. J.,
Duffy,	Knoble,	Powers,	Williamson,
Early,	Kolankiewicz,	Prosen,	Williams,
Eckels,	Komorowski,	Rank,	Winner,
Elder,	Krise,	Rausch,	Wolf,
Elliot,	Lee, E. A.,	Readinger,	Wood, L. H.,
Ely,	Lee, T. H.,	Reagan,	Wood, N.,
Falkenstein,	Lelsey,	Reese, D. P.,	Woodring,
Finestone,	Leonard,	Reese, R. E.,	Woodside,
Finnerty,	Lesko,	Reynolds,	Wright,
Fisher,	Levy,	Rhea,	Yakel,
Fise,	Leydic,	Riley,	Yester,
Fleming,	Lichtenwalter,	Rooney,	Young,
Fletcher,	Longo,	Rose, S.,	Kilroy, Speaker.
	Lovett,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SKALE asked and obtained permission for the Committee on Banking to meet during the session of the House.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1203.

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1259.

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; and imposing certain charges on counties and fixing penalties.

Said bill having been recalled from the Governor for the purpose of amendment the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

HOUSE BILL No. 1919 MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 1919, Printer's No. 1058, on page 20, of today's calendar, bills on third reading, be made a special order of business immediately.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1919, as follows:

An Act to amend sections 103 301 304 305 307 308 310 311 401 402 403 404 405 410 501 502 503 505 506 508 510 511 512 513 703 801 802 803 804 807 808 809 904 1003 and 1101 of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and filing of reports by milk dealers and permitting with limitations

the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission enabling certain officers employees and agents to administer oaths providing the method and effect of service of certain orders and the posting of rules regulations and certain orders enabling employees of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders requiring milk dealers or handlers to be licensed stating grounds for refusal suspension revocation of licenses and the right to transfer licenses stating grounds for refusal of the right to apply for a license stating the effect of service by registered mail enlarging requirements of milk dealers or handlers to file bonds to secure payments to producers and certain milk dealers or handlers prescribing the effective date and term of such bonds and providing for their release providing for the increase or decrease of the amounts of bonds prescribing the effect of orders and findings of fact of the commission relating to licenses in suit or bonds providing for payment to those entitled thereto of moneys in the hands of the commission owing from dealers or handlers to producers and from subdealers or subhandlers to dealers or handlers increasing the scope of regulation of subdealers or subhandlers making certain information available to cooperatives and producers' groups clarifying the requisites of orders fixing prices for milk providing for the competency of certain statistical testimony and data providing that all provisions of price-fixing orders shall be presumed to be valid and placing the burden of proving any invalidity of any order or part thereof stating the effect of partial invalidity of price-fixing orders defining violations of orders of the commission fixing prices making milk dealers or handlers responsible for acts of their directors officers agents or other persons acting for or on behalf of them giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk further regulating and imposing duties on milk dealers or handlers prescribing procedure on appeal from orders of the commission further defining and prescribing penalties defenses rights and remedies and providing for the payment of funds in the hands of the commission owing producers or dealers or handlers to those entitled thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 103 of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing

the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" is hereby amended to read as follows

Section 103 Definitions Construction The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Books and records" or "books or records" shall include all pertinent books ledgers journals records papers memoranda correspondence vouchers bills receipts cancelled checks accounts exhibits photographs and other documents

"Commission" means the State agency created by this act to be known as the "Milk Control Commission"

"Consumer" means any person natural corporate statutory or governmental other than a milk dealer or handler who purchases milk for consumption or use by himself or others

"Cooperative" means a cooperative agriculture association or corporation of producers organized under the laws of this Commonwealth or of any other state and engaged in making collective sales or in the marketing of milk for producers under contract with it A cooperative shall not be deemed a milk dealer or handler but shall be deemed a producer except as otherwise provided herein

"Handle" to handle means the doing of any one or several or all of the following acts to buy sell barter acquire store process consign receive transport control as owner buyer seller consignee consignor bailee bailor broker or factor

"Licensee" means a licensed milk dealer or handler

"Market" includes any county city borough incorporated town or township in the Commonwealth or any two or more such counties cities boroughs incorporated towns or townships or any portions thereof or any other land within the territorial limits of the Commonwealth designated by the commission as a marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk flavored milk or milk drink butter-milk ice cream mix and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans

"Milk dealer" or "handler" means any person including any store or subdealer or subhandler as hereinafter defined who purchases or receives or handles on consignment or otherwise milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth whether on behalf of himself or others or both A producer who delivers milk to a milk dealer or handler only shall not be deemed a milk dealer or handler [A cooperative agricultural association or corporation] [of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer Provided however That if such association or corporation] If a cooperative distributes or makes available on consignment or otherwise milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer or handler as to that part of its business and

shall be governed by the provisions of this act applicable thereto [And provided further That] [s] Such cooperative [agricultural association or corporation] shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell or make available on consignment or otherwise milk within this Commonwealth to milk dealers handlers and others

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned [by two or more individuals] or conducted by or on behalf of two or more individuals or other persons

"Price" includes the amount paid or to be paid and the proceeds returned or to be returned whether the transaction be one of purchase sale consignment sale or return accounting or otherwise

"Producer" means a person producing milk

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells or distributes milk

"Subdealer" or "Subhandlers" means any milk dealer or handler handling milk within the Commonwealth who sells or delivers all such milk to consumers or stores in the same containers as those in which he purchased or acquired it from other milk dealers or handlers

Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

Article or section headings shall not be construed to affect in any manner the scope or meaning of any article or section of this act

The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 2 Section 301 of the said act is hereby amended to read as follows

Section 301 Regulation of Milk Industry The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power to supervise investigate and regulate the entire milk industry of this Commonwealth including the production transportation disposal manufacture processing storage distribution delivery handling bailment brokerage consignment purchase and sale of milk and milk products in this Commonwealth and including the establishment of reasonable trade practices systems of production control and marketing area committees in connection therewith Provided however That nothing contained in this act shall be construed to alter amend or repeal any of the laws of this Commonwealth relating to the regulation of public utilities or to the public health or to the prevention of fraud and deception except as herein otherwise specifically provided

Section 3 Section 304 of the said act is hereby amended to read as follows

Section 304 Hearings Witness Fees The commission [or] any member thereof [may] or any special agent or examiner designated by the commission shall hold such hearings at the Capitol or elsewhere as [it] the commission deems necessary or appropriate to carry out the provisions of this act Provided however That all hearings for the fixing of prices for milk shall be held before one or more members of the commission Each witness required to attend before the commission [or] any member thereof or any such special agent or examiner under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County All such hearings [of the commission] shall be governed by such rules regulations and orders as shall be adopted and prescribed by the commission

Section 4 Section 305 of the said act is hereby amended to read as follows

Section 305 Subpoenas Oaths In order to enable the commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attend-

ance and testimony of or the production of pertinent books and papers by milk dealers or handlers or their employes producers or their employes persons having business dealings with milk dealers or handlers or producers or other persons whom the commission believes to have information books or papers of importance to it in carrying out the purposes and intent of this act [The commission] Each member of the commission and such officers employes or other employed in the work of the commission designated by the chairman of the commission also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers The commission may issue commissions letters rogatory or other appropriate processes outside the Commonwealth

Section 5 Section 307 of the said act is hereby amended to read as follows

Section 307 Adoption of Rules Regulations and Orders Subject to the approval of the Governor where such approval is hereinafter expressly required the commission [may] shall adopt and enforce all rules regulations and orders necessary or [desirable] appropriate to carry out the provisions of this act and not inconsistent with law

Section 6 Section 308 of the said act is hereby amended to read as follows

Section 308 Posting and Service of Rules Regulations and Orders Every general rule regulation or order of the commission shall be posted for public inspection in the main office of the commission at least six days before it shall become effective where it shall remain conspicuously posted until twenty days after its effective date and shall be given such further publicity by advertisement or announcement in a newspaper or otherwise as the commission shall deem advisable At least three days before it shall become effective copies of such general rule regulation or order shall be mailed to all licensees and producers groups and organizations affected thereby Provided however That such mailing shall not be construed as a condition upon which the validity of any such rule regulation or order depends A certified copy of an order applying only to the particular person or persons named therein shall be served on the person or persons affected

An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

The posting in the main office of the commission of any rule regulation or order not herein required to be served and the giving of such further publicity thereto as the commission deems advisable or the proper service of any rule regulation or order required to be served shall constitute due and sufficient notice to all persons affected by such rule regulation or order A rule regulation or order of the commission when duly posted and so publicized or when properly served as provided in this section shall have the force and effect of law The commission shall upon request mail to any person a copy of any general rule regulation or order of the commission

The mailing or service by mail herein required shall be by deposit in a United States Post Office or in any receptacle thereof Service by registered mail as provided in this section shall be effective notwithstanding the refusal of the addressee to accept or receive an order so served

Section 7 Section 370 of the said act is hereby amended to read as follows

Section 310 Entry and Inspection Pursuant to the pur-

poses of this act any member of the commission or any employe designated for the purpose shall have access to and may enter and inspect at all reasonable hours all places and equipment where milk or any product thereof is being produced stored bottled processed manufactured sold weighed tested consigned or otherwise handled Any member of the commission or any designated employe thereof also shall have power at all reasonable hours to inspect photograph photostat mark or stamp for identification audit and copy all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the commission to administer this act The information obtained regarding any person by any such inspection auditing or copying or by reports or statements required or authorized by this act shall be for the confidential use of the commission and the various administrative departments boards and commissions of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court and any member or employe of the commission or other person disclosing such information except as herein required shall be subject to the penalties herein provided for a violation of this act Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data

Section 8 Section 311 of the said act is hereby amended to read as follows

Section 311 Interstate and Federal Compacts The commission is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states The commission is authorized to join with such authorities of other states and with the authorities of the United States to conduct joint investigations to exchange information hold joint hearings and issue joint complementary or concurrent orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

Section 9 Section 401 of the said act is hereby amended to read as follows

Section 401 Milk Dealers or Handlers Required to be Licensed Except as herein otherwise specifically provided a milk dealer or handler as defined in this act shall not buy [milk] or handle milk whether as a broker factor bailee consignee or otherwise and whether or not by contact or operation of law title passes to the handler from producers or others within this Commonwealth for storage consignment brokerage manufacture processing distribution or sale within or without this Commonwealth or manufacture process handle sell or distribute milk within this Commonwealth unless such dealer or handler be duly licensed as herein provided and it shall be unlawful for a milk dealer or handler to buy or receive milk from or sell or consign milk to or handle as broker factor consignee or otherwise milk for a milk dealer or handler who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

Section 10 Section 402 of the said act is hereby amended to read as follows

Section 402 Milk Dealers or Handlers Subject to Exemption The commission may by official order exempt from the license requirements provided by this act milk dealers or handlers who purchase or handle milk in a total quantity not exceeding one thousand five hundred pounds in any month and milk dealers or handlers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The commission may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased or acquired from a licensed milk dealer or handler However milk dealers or handlers exempted by this section from the license requirements of this act

shall continue to be subject to all of the other provisions of this act relating to milk dealers or handlers Provided however that in cash sales of milk not exceeding two gallons to any one consumer in any one day at the farms of producers to consumers in containers owned and provided by the consumer the producers so selling milk shall be exempt from the provisions of this act

Section 11 Section 403 of the said act is hereby amended to read as follows

Section 403 Applications An application for a license to operate as a milk dealer or handler shall be completed and filed by the dealer or handler with the commission within thirty days after this act takes effect or prior to his engaging in business and annually thereafter on or before April fifteenth by mail or otherwise upon a form prescribed by the commission Such application shall be accompanied by the fee required by this act and by a bond when so required by this act in order to be complete The license year shall commence May first and shall end April thirtieth following The applicant shall state under oath or affirmation upon a form prescribed by the commission the following

(1) The nature of the business to be conducted
(2) The full name of the person applying for the license If the applicant is a copartnership or association the full name of each member shall be stated If the applicant is a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the commission filed or served as required in this act the quantity source and outlet of milk handled within the Commonwealth during the calendar year preceding the period for which the license is desired and such other facts with respect to the applicant's business as may be required by the commission pursuant to this act

Section 12 Section 404 of the said act is hereby amended to read as follows

Section 404 Grounds for Refusal Suspension or Revocation The commission shall grant a license to an applicant complying with the provisions of this act and the rules regulations and orders issued by the commission pursuant thereto The commission may decline to grant a license to an applicant or may suspend or revoke the right of a licensee or former licensee to apply for a license for a new license period or may suspend revoke or refuse to transfer a license already granted to a milk dealer or handler or may prohibit a milk dealer or handler exempted from the license requirements of this act from continuing to operate as a milk dealer or handler after determination by the commission that the dealer or handler

(1) Has rejected without reasonable cause any milk purchased or acquired from a producer or has rejected without either reasonable cause or reasonably advance notice milk delivered or made available by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contract "reasonable advance notice" shall not be construed to mean notice of less than [one week] two weeks nor more than [two] four weeks.

(2) Has [without reasonable cause failed to account and make payment for any milk purchased from a producer] if a milk dealer other than a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a producer or producers or has if a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a milk dealer Provided however That if it be shown that there was reasonable cause for any such

failure to account and make payment and that such accounting and payment can and will be made promptly in addition to currently accounting and paying for milk purchased or received as aforesaid the commission shall not refuse to grant or suspend revoke or refuse to transfer a license solely for such failure to account and make payment until a reasonable opportunity has been afforded to make such accounting and payment

(3) Has committed any act injurious to the public health or public welfare or has committed any act injurious to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence thereof shall include any course of conduct on the part of the milk dealer or handler in violation of the terms of this act or any valid rules regulations and orders of the commission

(4) Has made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution remains wholly or partly unsatisfied

(5) Has been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders or any producers' or farmers' union or organization shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) Has continued in a course of [dealing] conduct of such nature as to [satisfy] the commission of an intent of the manifest an intention on the part of such milk dealer or handler to deceive or defraud producers or consumers

(7) Has failed either to keep records or to furnish accurately the statements or information required by the commission to be supplied to it or to producers or consumers

(8) Has made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) Is a partnership association or corporation and any individual holding any position owning any substantial interest or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) Has violated any of the provisions of this act or any of the rules regulations or orders of the commission or any stipulation entered into between the said dealer or handler and the commission in the course of any proceeding before the commission

(11) Has violated any provisions of acts repealed hereby or of rules regulations or orders issued thereunder

(12) Has rejected milk sold or delivered or made available on consignment or otherwise by or on behalf of a producer in ordinary continuance of a previous course of dealing because the producer or his employee agent or representative testified in any proceeding before the commission or in any civil or criminal case in any court whether or not of record in which any provision of this act or any order of the commission was concerned and it shall be no defense that reasonable advance notice was afforded the producer before the milk was rejected

(13) Has refused without reasonable cause to receive milk from a producer because it was not hauled to the milk dealer or handler by a hauler of the dealer's or handler's choosing or because it was hauled to the dealer or handler by a producer or a hauler of a producer's

or cooperative's choosing providing that such producer or hauler has adequate facilities and equipment for hauling and is delivering or is ready able and willing to deliver milk to the plant of such dealer or handler in proper condition and at the times necessary to coincide with the current schedule of plant operations of the dealer or handler

The burden of proving reasonable cause under any provisions of this section shall be upon the milk dealer

The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the license period [unless] except where the commission or its predecessor board had proceeded against the licensee for such violation and any valid order thereon has been complied with by the licensee

The commission shall grant a provisional and temporary license to a prior licensee when and if for any cause the action of the commission with respect to an application seasonably filed has not become final prior to the expiration of the period of such prior license. Such a temporary and provisional license may be issued on such terms and conditions as the commission may impose and shall authorize the licensee to continue in business until final action with respect to his pending application has been taken and no longer

Section 13 Section 405 of the said act is hereby amended to read as follows

Section 405 Hearings and Orders Before refusing to grant or to reissue or before suspending revoking or refusing to transfer a license the commission shall afford the applicant or the licensee respectively an opportunity to be heard. It shall direct a citation to such applicant or licensee by registered mail sent to his last known address giving therein at least five days' notice of such hearing and a statement of the matters complained of. The direction of such citation by registered mail as aforesaid shall be sufficient notice of such hearing notwithstanding any refusal of the addressee to accept or receive said citation. The five days' notice shall be computed as from the time that the addressee accepts or receives or refuses to accept or receive said citation. After such hearing and upon entry of any order thereon the commission shall serve a certified copy of such order upon the applicant or licensee filing at its office the original and a statement in writing of the findings of fact in support thereof

Section 14 Section 410 of the said act is hereby amended to read as follows

Section 410 Computation of License Fees Milk sold and distributed outside of this Commonwealth in any state which charges milk dealers or handlers a license fee may be deducted in the determination of the amount of the licensee fee required by this act. Provided That such quantity of milk is actually computed in determining the amount of such license fee in such other state. In computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commission shall prescribe except in the case of farm-separated sour cream used exclusively in making butter to be marketed or ultimately sold as such in which case the daily average total quantity of such milk shall be computed according to pounds of butterfat or sour cream rather than the fluid milk equivalent thereof. Nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer or handler from another milk dealer or handler subject to license hereunder which milk has been included in the computation of such other dealer's fee or milk which is produced by the applicant dealer or handler and not sold by him to stores or consumers. Applicant milk dealers or handlers other than subdealers or subhandlers receiving their entire supply from milk dealers or handlers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars (\$10.00)

Section 15 Section 501 of the said act is hereby amended to read as follows

Section 501 Milk Dealers or Handlers Required to File Bonds It shall be unlawful for a milk dealer or handler to purchase acquire or receive on consignment or otherwise milk from producers unless the milk dealer or handler shall file with the commission a corporate surety individual surety or collateral bond approved by the commission. Except as otherwise herein provided the bond shall be in a sum equal to the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed one hundred thousand dollars (\$100,000.00). The bond shall be upon a form prescribed by the commission conditioned for the payment by the milk dealer or handler of all amounts due including amounts due under this act and the orders of the commission for milk [sold by such producers to] purchased or otherwise acquired from producers by the milk dealer or handler during the license year upon such terms and conditions as the commission may prescribe

In the case of a milk dealer or handler who pays producers in full each week for milk purchased acquired or received by him from such producers the bond shall be in the sum equal to fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed fifty thousand dollars (\$50,000.00)

Section 16 Section 502 of the said act is hereby amended to read as follows

Section 502 Computation of Amount of Certain Bonds Milk purchased acquired or received by a milk dealer or handler from producers outside the Commonwealth and sold or distributed by such dealers or handlers as fluid milk within the Commonwealth shall be included in computing the amount of such dealer's or handler's bond except where such dealer or handler has filed a bond for the protection of such producers with the state wherein the milk is purchased acquired or received or with such producers. In such computation the amount due for such milk shall be determined according to any applicable official prices or any lawful contract price

A milk dealer or handler purchasing or acquiring or receiving or intending to purchase acquire or receive milk from producers but not so engaged during any month of the preceding calendar year shall file a bond in a reasonable sum to be fixed by the commission and within the time for filing his application such dealer or handler shall request the commission to fix such sum

Section 17 Section 503 of the said act is hereby amended to read as follows

Section 503 Time of Filing Effective Period of Bond The bond herein required shall be filed with the dealer's or handler's application for a license and shall be filed within the time for filing such application. The bond shall become effective upon its being filed with the commission for the entire license year or for that part of the license year in which the milk dealer or handler became engaged in the milk business. Any bond filed with the commission shall become effective upon being filed whether or not it is approved by the commission and shall no longer be of effect during the license year only when it has been replaced by a bond approved by the commission to be substituted therefor. The bond herein required shall be an obligation independent of the granting of a license and shall remain in full force and effect for and during the license year designated as long as the dealer or handler purchases or receives milk from producers or is indebted to pay producers for any milk delivered during said license year whether or not a license is granted the milk dealer or handler or a license granted the milk dealer or handler remains in force. The commission shall determine within a reasonable time

after the close of a license year which milk dealers or handlers have paid all amounts protected by their bonds filed with the commission and if the commission finds that all amounts protected by the bond of a milk dealer or handler have been paid it shall thereafter return the bond for said past license year to each such milk dealer or handler

Section 18 Section 505 of the said act is hereby amended to read as follows

Section 505 Financial Statement A milk dealer or handler shall from time to time when required by the commission make and file with the commission a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the commission which financial statement shall contain the names of the producers from whom milk was purchased acquired received or handled on consignment or otherwise the amount due to the producers and any other relevant facts required by the commission pertinent to the dealer or handler or the dealer's or handler's surety or sureties

Section 19 Section 506 of the said act is hereby amended to read as follows

Section 506 Increase or Decrease of Bond If it shall appear from the dealer's or handler's financial statement or from facts otherwise ascertained by the commission that the bond afforded to producers selling supplying or making available on consignment or otherwise milk to such milk dealer or handler does not adequately protect such producers the commission may require such milk dealer or handler to procure an additional surety or to give an additional bond or additional security for the collateral bond in a sum to be determined by the commission which (1) shall not exceed more than fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received on consignment or otherwise by the dealer or handler from producers in any one month during the preceding or current year which value shall be computed according to the prices applicable [and] or which (2) shall be a sum not exceeding by more than fifty per centum the amount found to be due and owing producers by such dealer on a particular date determined by the commission whichever sum is greater but the total increase shall not in any event exceed fifty thousand dollars (\$50,000.00) In the case of a milk dealer or handler who pays producers in full each week for milk purchased acquired or received or handled on consignment or otherwise by him from such producers any increase required hereunder shall not exceed more than twenty-five per centum of such value [and] or amount but the total increase in any event shall not exceed twenty-five thousand dollars (\$25,000.00)

The commission may grant a reduction of the bond or the collateral or release an additional surety if it shall appear that owing to a decrease in the milk [purchases of the milk dealer] purchased received or handled by the dealer or handler or to other causes a bond in a lesser amount or with fewer sureties will protect producers selling supplying or making available milk to such milk dealer or handler.

Section 20 Section 508 of the said act is hereby amended to read as follows

Section 508 Interest or Dividends upon Securities The milk dealer or handler shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer or handler with the commission and transmitted by the commission to the State Treasurer for safekeeping in accordance with the provisions of this act Provided however That the milk dealer or handler shall not be entitled to interest or dividends if there is on file with the commission a valid unpaid claim of a producer against the milk dealer or handler based on milk sold supplied or made available by such producer to the milk dealer or handler

Section 20 Section 508 of the said act is hereby amended to read as follows

Section 510 Effect of Order by Commission If by valid formal order refusing suspending or revoking a license after hearing with due notice to all those liable on the

bond the commission has found a milk dealer or handler to be indebted thereunder such order and the findings of fact in support thereof shall be conclusive evidence of the amount due under such bond in a suit thereon by the commission unless an appeal therefrom is pending and a supersedeas granted

Section 22 Section 511 of the said act is hereby amended to read as follows

Section 511 Procedure for Disbursing Proceeds The commission [may] shall prescribe the procedure for the payment out of the proceeds of any bond or collateral required by this article of the amounts found due to producers or handlers or dealers based on sales or deliveries of milk by them to a milk dealer or handler who has posted a bond or collateral Provided however That if the proceeds of a bond or of collateral which has been posted by a milk dealer or handler shall be insufficient to pay in full the amounts due to producers who have sold or supplied milk to such milk dealer or handler the moneys available shall be divided pro rata among such producers

Section 23 Section 512 of the said act is hereby amended to read as follows

Section 512 Cooperatives A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state or any producers' or farmers' union or organization shall be deemed a producer within the provisions of this article and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this article

Section 24 Section 513 of the said act is hereby amended to read as follows

Section 513 Subdealers' or Subhandlers' Bonds It shall be unlawful for a subdealer or subhandler to buy acquire receive or handle milk from a milk dealer or handler who purchases acquires or receives milk from producers unless the subdealer or subhandler shall file with the commission a corporate surety individual Such bond shall be executed to the Commonwealth in a sum equal to three hundred dollars (\$300.00) for each route owned or operated by the subdealer or subhandler and shall be conditioned for the payment by the subdealer or subhandler of all amounts due under this act and the orders of the commission for milk purchased acquired or received from such milk dealer or handler or dealers or handlers during the license year subject however to the further condition that if at time of default such milk dealer or handler or dealers or handlers are indebted or in arrears in their payments to producers the proceeds thereof shall be held on the account of such dealer or handler or dealers or handlers for the benefit of such producers Such bond shall be filed annually with the subdealer's or subhandler's application for a license and shall in all applicable particulars not herein specifically mentioned be subject to terms and conditions such as are provided in the other sections of this article for the bonds of other milk dealers or handlers and for suits thereon except where the protection of such milk dealers or handlers selling delivering or making available milk to the subdealer or subhandler or of producers selling delivering or making available milk to such milk dealers or handlers requires the substitution of such dealers or handlers and producers in applying such term and condition to the bonds of subdealers or subhandlers

Section 25 Section 703 of the said act is hereby amended to read as follows

Section 703 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof producers of milk producers' or farmers' unions or organizations and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and educational information pertaining to milk by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them which agent may be the commission if it consents to be

such Any such licensees producers and associations or corporations may confer and discuss the cost of production marketing market conditions and prices for [the sale of] milk

A milk dealer or handler shall upon the request of a producers' or farmers' union having written authority from producers or of a cooperative supply it with the information required to be kept under Subsection (1) of Section 701 of this Article insofar as such information pertains to the milk produced by the stockholders members or patrons of such producers' or farmers' union or cooperative selling or supplying milk to such milk dealer or handler

Section 26 Section 801 of the said act is hereby amended to read as follows

Section 801 Requisites of Orders Fixing Price of Milk The commission shall ascertain after a hearing in which all interested [parties] persons shall be given reasonable opportunity to be heard the logical and reasonable milk marketing areas within the Commonwealth shall describe the territorial extent thereof shall designate such areas by name or number and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth having special regard to the health and welfare of children residing therein

The commission shall base all prices upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer [and] which return shall not be less than the cost of production and a reasonable profit to the producers and a reasonable return to the milk dealer or handler In ascertaining such returns the commission shall utilize a cross-section representative of the average of normally efficient producers and dealers or handlers in the area

The commission shall file at its office with each order issued a general statement in writing of the findings of fact in support of and the reasons for such order

The commission may upon its own motion or upon application in writing from time to time alter revise or amend an official order defining milk marketing areas or fixing prices to be charged or paid for milk Before making revising or amending any order defining milk marketing areas or fixing prices to be charged or paid for milk the commission shall hold a hearing after giving reasonable [notice thereof] opportunity to be heard to interested persons of whom the commission has notice and in the case of any order affecting the public after giving reasonable notice thereof to the public in such newspaper or newspapers as in the judgment of the commission shall afford sufficient notice and publicity Provided however That upon application in writing from a person aggrieved by an order of the commission hereunder filed within fifteen (15) days after the issuance of the order complained of or upon its own motion the commission may within twenty (20) days after the effective date of such order issue an order revising or amending such order without a further hearing if such revision or amendment is based on the record of the hearing held prior to the issuance of such order

"Interested persons" as used in this section means all persons who may be affected by an order of the commission fixing prices and who have signified to the commission in writing their desire to be notified of such hearings concerning a particular milk marketing area or areas within the Commonwealth "Reasonable opportunity to be heard" may be afforded by written notice addressed to the last known address of an interested party by mail postage prepaid by deposit in a United States post office or any receptacle thereof Nothing contained in this section shall be construed to limit or modify the provisions of section three hundred eight of this act relating to the posting and publicizing of orders of the commission including orders made under this article and the force and effect thereof

At any hearing provided for herein the testimony of

an expert statistician present at the hearing and any printed typewritten duplicated mimeographed or other written treatise report or statistical data by an expert not present as a witness if and to the extent it is endorsed as reliable by an expert witness present at the hearing shall be competent evidence on any subject material to fixing any price under this article

All provisions of all price-fixing orders of the commission shall be presumed to be valid and the burden of proving any invalidity of any provisions thereof shall be upon the person asserting the same Any determination by the commission or a court to which an appeal has been taken that the wholesale or retail prices provided are invalid shall not prevent the enforcement of prices to producers but any determination that prices to producers are unreasonable shall require the redetermination by the commission of wholesale and retail prices as well as prices to producers

Whenever an order of the commission fixing prices is remitted to the commission with directions to reform the findings or order in accordance with the opinion of the court and no further appeal is taken by the commission the commission shall make such reformation within thirty days from the entry of the order of the court remitting the price fixing order to the commission

Every order made pursuant to this article and any revision or amendment thereof in which the commission fixes or changes the price of milk to producers or to consumers or both shall be subject to the approval of the Governor

Section 27 Section 802 of the said act is hereby amended to read as follows

Section 802 Wholesale and Retail Prices The Commission shall fix by official order (except as hereinafter provided in this section) the minimum wholesale and retail prices and may fix by official order the maximum wholesale and retail prices to be charged and received by milk dealers or handlers for milk sold delivered handled or consigned within any milk marketing area of the Commonwealth wheresoever produced including milk sold delivered or consigned by

(1) Milk dealers or Handlers to other milk dealers or handlers

(2) Milk dealers or Handlers to consumers

(3) Milk dealers or Handlers to stores either for consumption [on the premises or resale] at the stores or sale to consumers

(4) Stores to consumers except for consumption [on the premises] at the store where sold

Nothing herein contained shall be construed to empower the commission to fix the price at which milk may be sold by any milk dealer or handler or producer to consumers for consumption on the premises of such milk dealer or handler or producer

The fixing of minimum wholesale or retail prices for skimmed milk condensed or concentrated whole or skimmed milk bulk cream handled between milk dealers or handlers other than stores and ice cream mix shall be discretionary with the commission

Section 28 Section 803 of the said act is hereby amended to read as follows

Section 803 Prices to Producers The commission shall fix by official order the minimum prices to be paid by milk dealers or handlers to producers for milk sold or delivered or made available on consignment or otherwise by producers to dealers or handlers Provided however That the fixing of prices to be paid by milk dealers or handlers to producers for milk to be used solely in manufacturing shall be discretionary with the commission

Section 29 Section 804 of the said act is hereby amended to read as follows

Section 804 Classification When pursuant to any statute or regulations or orders adopted thereunder or any ordinance or reasonable trade practice various grades of milk are specified orders of the commission fixing minimum or maximum prices may be applicable to each grade Orders of the commission fixing minimum or maximum prices may vary in different markets and shall designate the

markets to which applicable Such orders may likewise classify milk and milk dealers, or handlers in any reasonable manner which the commission deems advisable and may vary according to the classes to which they are applicable The orders of the commission with respect to the minimum prices to be paid to producers and others shall apply to the area in which the milk is produced or to the area in which the milk so produced is manufactured sold or distributed as the commission shall provide and may vary in different areas according to varying uses grades and conditions Each such order may classify such milk by forms classes grade or uses as the commission may deem advisable and may specify the minimum prices therefor Other reasonable methods of classification may be prescribed by the commission

Section 30 Section 807 of the said act is hereby amended to read as follows

Section 807 Violations After the commission shall have fixed prices to be charged or paid for milk whether by class grade use or otherwise it shall be unlawful for a milk dealer or handler or producer [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or advertise for sale delivery purchase or receipt or hold one's self out as willing to sell deliver buy or receive milk at any price below the minimum price or above the maximum price applicable to the particular transaction

No method or device shall be lawful whereby milk is bought [or sold or offered to be bought or sold] or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise or offered to be bought or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise at a price less than the minimum price applicable to the particular transaction whether by any discount premium rebate free service trading stamps advertising allowance or extension of credit or by a combined price for such milk together with another commodity or a service which is less or is represented to be less than the aggregate of the price of the milk and the price or value of such commodity or service when [sold or offered for sale] bought or received or handled on consignment or otherwise sold or delivered or made available on consignment or otherwise or offered for sale delivery purchase handling or receiving separately or otherwise

It shall be unlawful for any milk dealer or handler to store manufacture process sell or handle or deliver or make available on consignment or otherwise any milk for which he has paid or agreed to pay a price lower than that fixed by the commission for milk of that class or grade

It shall be unlawful for a milk dealer or handler [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to store manufacture process sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise milk at a price computed upon false or erroneous weight butterfat test grade or classification or at a price from which have been made deductions not authorized by law or in excess of any deductions so authorized whether such illegal deductions be in the form of excessive transportation charges or otherwise

The act of a director officer agent or other person acting for or employed by a milk dealer shall be deemed the act of such milk dealer

Section 31 Section 808 of the said act is hereby amended to read as follows

Section 808 Prices of Certain Milk It is hereby declared

to be the legislative intent that the instant (whenever that may be) that the handling by a milk dealer or handler of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred on the commission by this act and particularly by this article shall attach but such restrictions shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans

It is also hereby declared to be the legislative intent that the prices prescribed by the commission for milk produced in this Commonwealth and sold or delivered or made available on consignment or otherwise in this Commonwealth for shipment into and ultimate sale in another state shall not be destructive of the price structure of producers in such other state

Section 32 Section 809 of the said act is hereby amended to read as follows

Section 809 Cooperatives It is hereby declared to be the legislative intent that no provision of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or in the marketing of milk for the producers thereof from blending the net proceeds of its sales or consignments or deliveries in all its markets or of its sales or deliveries within any particular market in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductions and differentials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it or from making such sales or deliveries at a blended price based upon sales or deliveries thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Nothing herein contained shall prevent any milk dealer or handler from contracting for his milk with such cooperative agricultural association or corporation upon such basis but all such contracts shall be upon the basis of the prices fixed by the commission with the result that the net price received for milk by such cooperative association or corporation shall be commensurate with such prices No milk dealers or handlers or agents thereof shall receive from any producer or from such cooperative association or corporation directly or indirectly any discounts rebate free service or compensation through rentals extension of credit or otherwise for the purpose or with the effect of reducing the net cost to the dealer or handler for milk purchased or received by or through such cooperative association or corporation

No provision of this act shall be deemed or construed to affect the contracts of such cooperative agricultural association or corporation with its producers except as hereinafter specifically provided nor to affect or abridge the rights and powers of such an association or any of its operations Provided however That the powers of subpoena entry and inspection vested in the commission under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals for the purpose of administering this act This section shall not however be construed to exempt such association or corporation from the jurisdiction of the commission over the prices at which it may sell milk to milk dealers or handlers stores or consumers

Any cooperative agricultural association or corporation organized after the effective date of this act or within ninety (90) days prior to the effective date hereof or which if organized over ninety (90) days prior to the

effective date of this act was not marketing milk for producers upon the effective date of this act or ninety (90) consecutive days prior thereto shall not be entitled to avail itself of the benefits of this section if it pays or distributes to its producers a price which is more than one and one-half per centum (1½%) lower than the prices prescribed by the commission unless such association or corporation shall furnish reasonable proof to the commission that such one and one-half per centum (1½%) is insufficient to pay such lawful expenses and charges for its operations and maintenance as may be authorized under the contracts between the association or corporation and its producers

Every cooperative agricultural association or corporation operating under the provisions of this section shall file with the commission a copy of its certificate of incorporation and by-laws and a copy of each form of contract employed in its relations with producers within sixty (60) days after the effective date of this act

Section 33 Section 904 of the said act is hereby amended to read as follows

Section 904 Pleading and Service The appeal provided by this article from action of the commission shall be by petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioner's objections to the action and decision of the commission and shall state facts in support of such objections sufficient to constitute a prima facie case and any objection not so specified and supported by facts shall not be considered by the court Every such petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed merely for purposes of delay

Upon service of a summons upon the commission returnable at least ten (10) days from the date of service the commission may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition If such motion is not sustained the commission shall be given leave to file an answer within not less than ten (10) days after the order of the court overruling the motion

On or before the return day of such summons served upon the commission or within the time allowed in an order of the court denying a motion to dismiss an appeal the commission [shall] may file an answer which shall deny or admit the allegations of fact in the petition and which may also allege by way of defense the grounds for its action or decision If no answer is filed by the commission the case shall be at issue without further pleadings as though an answer had been filed denying all the allegations of fact in the petition

Upon the filing of an answer by the commission or if no answer is filed then on the return day or at the expiration of the time allowed for answer by an order of court the case shall be at issue without further pleadings and upon application of either party the case [shall] may be advanced and heard without further delay

Section 34 Section 1003 of the said act is hereby amended to read as follows

Section 1003 Actions to Enforce Compliance The commission or any person marketing committee union or association composed of persons affected by the orders rules or regulations of the commission may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the commission made pursuant to the provisions of this act

Section 35 Section 1101 of the said act is hereby amended to read as follows

Section 1101 Milk Control Fund All moneys collected or received by the commission arising from license fees penalties permits or any other source shall be paid by the commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund" Fines imposed under this act shall be

payable to and collected by the commission and similarly placed in the Milk Control Fund

Moneys collected or received by the commission that are not funds of the Commonwealth but are due to producers dealers or handlers for or on account of milk acquired or received by dealers or handlers from producers or other dealers or handlers and placed in the Milk Control Fund shall be paid to the persons entitled thereto by the State Treasurer as directed by the commission

Section 36 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	French,	Malloy,	Rosenfeld,
Auker,	Gallagher,	Marks,	Royer,
Baker,	Gates,	Maxwell,	Rush,
Balthaser,	Gerard,	McClanaghan,	Sarge,
Baughner,	Gillan,	McClester,	Sarra,
Bentley,	Gillette,	McDermott,	Scanlon,
Bentzel,	Goodwin,	McDowell,	Serrill,
Boles,	Greenwood,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McSurdy,	Snyder,
Brown,	Hall,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stank,
Burriss,	Heatherington,	Mooney,	Stine,
Chervenak,	Heim,	Moran,	Stockham,
Chudoff,	Hering,	Moul,	Tarr,
Cochran,	Herman,	Muir,	Tate,
Cohen, M. M.,	Hersch,	Munley,	Taylor,
Cohen R. E.,	Hirsch,	Nagel,	Thompson, E. F.,
Cook,	Holland,	Nunemacher,	Thompson, R. L.,
Cooper,	Huntley,	O'Brien,	Trout,
Cordier,	Imbrie,	O'Connor,	Turner,
Corrigan,	James,	O'Dare,	Verona,
Croop,	Jefferson,	O'Mullen,	Vincent,
Cullen,	Jones, G. E.,	O'Neill,	Vogt,
Dalrymple,	Jones, P. N.,	Owens,	Voldow,
DiGenova,	Keenan,	Petrofsky,	Voorhees,
Dix,	Kenehan,	Pettit,	Watkins,
Dolon,	Kilne,	Polaski,	Weingartner,
D'Ortona,	Kroble,	Polen,	Weise,
Duffy,	Kolankiewicz,	Powers,	Welsh, E. E.,
Early,	Komorowski,	Prosen,	Welsh, M. J.,
Eckels,	Krise,	Rank,	Wilkinson,
Elder,	Lee, E. A.,	Rausch,	Williams,
Elliot,	Lee, T. H.,	Readinger,	Winner,
Falkenstein,	Leisey,	Reagan,	Wolf,
Finestone,	Leonard,	Reese, D. P.,	Wood, N.,
Finnerty,	Lesko,	Reese, R. E.,	Woodring,
Fisher,	Levy,	Reynolds,	Woodside,
Fiss,	Leydic,	Rhea,	Wright,
Fleming,	Lichtenwalter,	Riley,	Yeaker,
Fletcher,	Longo,	Rooney,	Yester,
Flynn,	Lovett,	Rose, S.,	Young,
Foot,	Lyons,	Rose W. E.,	Kilroy, Speaker

NAYS—10

Cadwalader,	Habbyslaw,	McMillen,	Wagner,
Dennison,	Hewitt,	Van Alisburg,	Wood, L. B.
Ely,	McKinney,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. FINESTONE, from the Committee on Judiciary Special, reported as committed, House Bill No. 1882, entitled:

An Act to amend section seven of the act, approved the sixteenth day of May, one thousand nine hundred twenty-nine (P. L. 1780), entitled "An act to fix the salaries and compensation of the judges of Supreme Court, the judges of the Superior Court, the judges of the courts of Common Pleas, the judges of the Orphans' Courts, the judges of the Municipal Court of Philadelphia, and the judges of the County Court of Allegheny County" by increasing the salary of certain judges.

Mr. MODEL, from the Committee on Judiciary Special, reported as committed, House Bill No. 792, entitled:

An Act to add sections 418, 419, 420, 421, 422, and 423 to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making unlawful certain acts designated to incite, counsel or advocate racial or religious hatred; and imposing penalties.

Mr. GOODWIN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1319 (Senate Bill No. 269), entitled:

An Act authorizing the redemption of real property purchased by political subdivisions at tax sales, upon the payment of the amount charged against the same and costs, by installment payments; and prescribing the procedure therefor.

Mr. TATE, from the Committee on Insurance, reported as amended, House Bill No. 355, entitled:

An Act to provide for the change of object of the corporate existence of beneficial and relief associations as herein defined; and authorizing and providing a mode for the dissolution and surrender of the charter of such associations.

Mr. MORAN, from the Committee on Municipal Corporations, reported as amended House Bill No. 1008, (Senate Bill No. 377), entitled:

An Act validating certain proceedings and elections of counties, cities, boroughs, school districts, or other municipalities or incorporated districts, had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Mr. AUKER, from the Committee on Municipal Corporations, reported as committed House Bill No. 902, (Senate Bill No. 254), entitled:

An Act authorizing municipalities to file liens against real estate beyond the municipal limits for certain municipal rates; validating liens heretofore filed; and providing for the procedure thereon.

Mr. MELCHIORRE, from the Committee on Rules reported as committed House Resolution No. 105.

TIME EXTENDED ON BILL

Mr. O'BRIEN. Mr. Speaker, I move that the time on House Bill No. 329, Printer's No. 733, entitled:

An Act to further amend the definition of "Restaurant" in section two, and section four hundred eleven of the act approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34) entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the

State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," eliminating some of the requirements heretofore imposed upon restaurant licensees,

on page 9, of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

CONGRATULATORY RESOLUTION

Messrs. BOIES, DiGENOVA, McLANE, KENEHAN and MELCHIORRE offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 26, 1941.

Whereas, On June 28, 1939, the Honorable Joseph O'Brien entered into that Holy State sometimes referred to as matrimony; and

Whereas, In spite of his onerous duties as Chairman of the Liquor Committee of the House of Representatives, he has nevertheless devoted himself to his obligations as a husband, so that of him it can be said that he is by far the most model Benedict in the House; and

Whereas, The Honorable Joseph O'Brien and his wife in their successful married life have set a great example for all other Members of the House to follow; be it therefore

Resolved, That the House of Representatives congratulates the Honorable Joseph and Mrs. O'Brien in this their second wedding anniversary; and be it further

Resolved, That a copy of this resolution be forwarded to this happy pair as a symbol of the best wishes of the House for a long and continuously successful married life.

Mr. MELCHIORRE. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. O'Brien, what he has done for the cause of national defense since he has been married.

The SPEAKER. Home defense or national defense?

Mr. O'BRIEN. Mr. Speaker, the two previous manuals carried a story to the effect that I am single. The fact that this resolution is introduced I think is going to curb my activities, so I can say nothing in my defense, whether national or otherwise.

The SPEAKER. Those are big words since you are married.

COMMITTEE MEETINGS

Appropriations, Tuesday, July 1 at 11:30 a. m. in Room 327.

Judiciary General, Tuesday, July 1, at 10 a. m. in Room 246.

Liquor Control, Tuesday, July 1 at 11:30 a. m. in Room 325.

State Government, Tuesday, July 1 at 10:30 a. m. in Room 325.

Ways and Means, Tuesday, July 1 at 11 a. m. in Room 327.

Welfare, Tuesday, July 1 at 11:30 a. m. in Room 246.

ADJOURNMENT

Mr. YOUNG. Mr. Speaker, I move that this House do now adjourn until Tuesday, July 1, 1941, at 12 m.

The motion was agreed to, and (at 10:47 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., TUESDAY, JULY 1, 1941.

No. 80.

SENATE

TUESDAY, July 1, 1941.

The Senate met at 12:00 o'clock, noon, E.S.T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, prayer was offered by the gentleman from Berks, Dr. RUTH.

Almighty God, our Heavenly Father, we thank Thee for this new day, and may we learn from our past lives that each new day is like a new page in a diary, whatever we write today will stand for all time, and we pray that through the wisdom of Thy Holy Spirit and its guidance we may write those things today that shall stand out good in the sum total record of our lives. We ask it in the Master's name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. LETZLER and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, July 1, 1941, by his Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 1, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

DELAWARE COUNTY

Miss Margaret E. Crawford, Wayne, Radnor Twp.
John H. Patterson, Eddystone.

GREENE COUNTY

Ralph E. Porter, Waynesburg.

LEHIGH COUNTY

Miss Ruth E. Kane, Catasauqua.

PHILADELPHIA COUNTY

Mrs. Elsie T. Du Trieuille, 1700 W. Diamond Street, Phila.

William H. Savage, c/o Peco Mfg. Corp., Hope St. and Indiana Ave., Phila.

W. F. Walsh, 4717 North Broad St., Phila.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Detrick,	Kephart,	Snowden,	Woodward,
Dent,	James,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 30, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, July 7, 1941, at 3:30 o'clock, p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, July 7, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

HOUSE CONCURS IN SENATE BILL No. 1023.

He also returned to the Senate, Senate Bill No. 1023, entitled:

An Act to further amend Section 902 and to repeal Section 1033 of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" regulating vehicles and loads on vehicles transporting other vehicles and repealing existing provisions relating thereto.

with the information that the House has passed the same without amendments.

AMENDMENT TO HOUSE BILL No. 1470 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows.

House Bill No. 1470, entitled:

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter reenter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended will be noted on the Calendar, of July 7, 1941.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1315

He also presented communication from the House of

Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1315, entitled:

An Act to amend the title and the act, approved the seventh day of May one thousand nine hundred thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the new sections; making certain changes in the designation of Motor License Fund for the purposes of this act," by adding certain streets taken over as State highways, and adding thereto certain additional streets; providing for the taking, opening, relocation, widening, or change of grade of such State highways at the expense of the Commonwealth and the city, or either of them; designating the city as agent for the Commonwealth in the settlement of damages; authorizing agreements for the taking, opening, relocation, widening, change of grade, construction, reconstruction, repair, and maintenance of such State highways; appropriating money in the Motor License Fund for the purposes of the act as amended.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1543

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1543, entitled:

An Act providing a method for supplying, perfecting and recording births records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees, and imposing certain duties upon the orphans' court.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 1216, (Senate Bill No. 1302), entitled:

An Act to amend sections two and six of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirty-nine (P. L. 1184), entitled "An act requiring all employable persons receiving public assistance, with certain exceptions, to perform certain work, or be refused further assistance; conferring powers and imposing duties on county boards of assistance; and on certain State and local officers and employees, and on charitable institutions, persons, copartnerships, associations, corporations, and State and Federal employment officers; and requiring payments to the Commonwealth on account of certain work performed," by further defining the work to be done, and rate of pay to be received by employables.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

House Bill No. 1727, (Senate Bill No. 1303), entitled:

An Act providing that proceedings, acts and bonds issued, by Authorities incorporated under the Municipality Authorities Act, as amended and supplemented, shall not be invalid by reason of certain circumstances.

Which was committed to the Committee on Public Utilities.

House Bill No. 1728, (Senate Bill No. 1304), entitled:

An Act relating to the compatibility of office of members of the Boards and officers of the Authorities incorporated under the Municipality Authorities Act, as amended and supplemented.

Which was committed to the Committee on Public Utilities.

House Bill No. 1919, (Senate Bill No. 1305), entitled:

An Act to amend section 103, 301, 304, 305, 307, 308, 310, 311, 401, 402, 403, 404, 405, 410, 501, 502, 503, 505, 506, 508, 510, 511, 512, 513, 703, 801, 802, 803, 804, 807, 808, 809, 904, 1013, and 1101 of the act approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417) entitled "Milk Control Law," by adding the term "handler" as a synonym for the term "milk dealer," defining the terms "handle" and "handler"; extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission; enabling certain officers, employes and agents to administer oaths; providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders; enabling employes of the commission to photograph, photostat, mark or stamp for identification books and papers that they have inspected; providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders; requiring milk dealers or handlers to be licensed; stating grounds for refusal, suspension, revocation of licenses and the right to transfer licenses; stating grounds for refusal of the right to apply for a license; stating grounds for refusal of the right to apply for a license; stating the effect of service by registered mail; enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers; prescribing the effective date and term of such bonds and providing for their release; providing for the increase or decrease of the amounts of bonds; prescribing the effect or orders and findings of fact of the commission relating to licenses in suits or bonds; providing for payment to those entitled thereto of moneys in the hands of the commission owing from dealers or handlers to producers and from subdealers or subhandlers to dealers or handlers; increasing the scope of regulation of subdealers or subhandlers; making certain information available to cooperatives and producers groups; clarifying the requisites of orders fixing prices for milk; providing for the competency of certain statistical testimony and data; providing that all provisions of price-fixing orders shall be presumed to be valid and placing the burden of proving any invalidity of any order or part thereof; stating the effect of partial invalidity of price-fixing orders; defining violations of orders of the commission fixing prices; making milk dealers or handlers responsible for acts of their directors, officers, agents or other persons acting for or on behalf of them; giving certain additional rights to co-operatives and producers' and farmers' unions or organizations of producers of milk; further regulating and imposing duties on milk dealers or handlers; prescribing procedure on appeal from orders of the commission; further defining and prescribing penalties, defenses, rights and remedies; and providing for the payment of funds in the hands of the commission owing producers or dealers or handlers to those entitled thereto.

Which was committed to the Committee on Agriculture.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 90, entitled:

An Act providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting veterans by designating such organizations as United Spanish War Veterans Incorporated.

House Bill No. 291, entitled:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

House Bill No. 389, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Farview State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

House Bill No. 529, entitled:

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103) entitled "The Second Class Township Law," by providing that the tax collector shall give but one bond for the collection of township, county, school district, poor district and institution district taxes.

House Bill No. 567, entitled:

An Act to reenact and amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "Pennsylvania Securities Act," by providing for the registration and regulation of investment advisers and their solicitors; further defining "dealers" and further regulating dealers and salesmen; providing for service on registrants under provisions of this act; and imposing penalties.

House Bill No. 581, entitled:

An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis in cattle.

House Bill No. 892, entitled:

An Act authorizing a commission to study recreational facilities available in first class cities; imposing powers and duties on said commission; and making an appropriation.

House Bill No. 940, entitled:

An Act to amend section 1202 by adding thereto clause LX, of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519) entitled, "General Borough Act" authorizing boroughs to appropriate moneys for the support of hospitals.

House Bill No. 1066, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

House Bill No. 1083, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

House Bill No. 1106, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania.

House Bill No. 1167, entitled:

An Act to amend section three hundred seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "The Game Law," changing the provisions of said act as to the right of residents to hunt and trap without a license.

House Bill No. 1175, entitled:

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

House Bill No. 1263, entitled:

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

House Bill No. 1483, entitled:

An Act to repeal the act approved the sixteenth day of January, one thousand seven hundred and ninety-nine (Sm. Laws, page 338), entitled "An act to declare Frankford Creek, a public highway."

House Bill No. 1559, entitled:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," by including therein military police and certain other persons in the armed service of the United States.

House Bill No. 1660, entitled:

An Act to amend section seven hundred and thirty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," by authorizing the furnishing of certain confidential information to other states and the United States.

House Bill No. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three (P. L. 1449), entitled "Allegheny County Juvenile Court Law," to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court.

House Bill No. 1203, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

House Bill No. 1259, entitled:

An Act creating and providing for and regulating the maintenance and operation of a county employe's retirement system in counties of the fourth class; and imposing certain charges on counties

House Bill No. 1315, entitled:

An Act to amend the title and the act, approved the seventh day of May one thousand nine hundred thirty-seven P. L. 589), entitled "An act providing for the taking

over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the new sections; making certain changes in the designation of Motor License Fund for the purposes of this act," by adding certain streets taken over as State highways, and adding thereto certain additional streets; providing for the taking, opening, relocation, widening, or change of grade of such State highways at the expense of the Commonwealth and the city, or either of them; designating the city as agent for the Commonwealth in the settlement of damages; authorizing agreements for the taking, opening, relocation, widening, change of grade, construction, reconstruction, repair, and maintenance of such State highways; appropriating money in the Motor License Fund for the purposes of the act as amended.

House Bill No. 1543, entitled:

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

House Bill No. 1661, entitled:

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred thirty-nine P. L. 111), entitled "Commerce Law," providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

PETITIONS

The Chair cleared its table and laid before the Senate the following communication:

COMMUNICATION OPPOSING ANY MODIFICATION OF EXISTING LAW WHICH WOULD PLACE UPON THE CITY OF PITTSBURGH ANY PART OF COST FOR CARE OF MENTAL PATIENTS AT MAYVIEW HOME AND HOSPITALS

Communication received from E. W. Lindsay, City Clerk, opposing any modification of existing law which would once more place upon the city any part of the cost for the care of mental patients at Mayview Home and Hospital.

The Chair cleared its table and laid before the Senate the following communication:

Resolution from the Veterans of Foreign Wars of the U. S. requesting immediate favorable consideration of all

bills approved by the Joint Legislative Committee representing four major War Veteran Organizations and that the bill be reported from committee and passed to the Governor as expeditiously as possible.

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Cambria will state his question of personal privilege.

Mr. HALUSKA. Mr. President, during the early days of this session, I introduced a number of proposed pieces of legislation, which might be termed as Social Reforms. My bills have been in committee since the first month of this session. Up to the present time, I had some faint hope that they might be released so that due consideration might be given them on the floor of this Senate.

Now, that this session is about to adjourn, I am firmly convinced that my proposals will never see daylight during the remaining days and that they are definitely doomed for what is known as the pickling barrel.

It seems that many members of this legislature have now turned their eyes towards Europe and towards Europe's troubles. Why? Because they are afraid to look to our own.

I proposed to this Legislature Senate Bill No. 12, known to this body as the 60 at 60 Old Age Assistance Plan. I wonder how many of my colleagues have really read this bill in detail. If I were to interrogate any of them, I am fearful that few, if any, would have any knowledge of my proposal.

Mr. President, America is now in an era of prosperity. War abroad has compelled industry to recall hundreds of thousands of men. But with all this prosperity, I dare say that no one in this body can point out to me, the recalling of men above the age of 60. Old age has always been a burden, but only recently has it become a crime. We have thousands upon thousands of our senior citizens, who never again will have the opportunity to earn a livelihood and who much depend upon the government for assistance. Yes, old people in thousands of frowzy boarding houses, in shabby hall bedrooms; figuring on backs of envelopes how to cut down on food; figuring maybe just a bowl of soup for lunch and maybe no lunch at all. Making a clean shirt last several more weeks. Skipping that visit to the dentist; wearing a shabby shiny old serge suit. Buying a pair of specs at the five and ten cent store, instead of from the oculist.

Yes, making every sacrifice on earth, just to live a few more years. Oftentimes wondering why. Old people in their children's homes, watching the small family income swallowed by so many needs, knowing or being told the drag they constitute upon the family resources. Having to ask for car fare; wheedle money for a paper; for a pair of stockings; for tobacco, and not even having a room to themselves. Humble servants to the grandchildren; but without a servant's wage or a servant's freedom.

Old people, in this Commonwealth sensing their declining usefulness; realizing how their needs tie the children to the farm, forcing the children to delay marriage, preventing the buying of more land or another harrow or a new incubator, dragging down the standard of living of them all.

Old people, dying of malnutrition, cold, and neglect, without complaint and without publicity, in poorhouses, county farms, and dirty hotels, in all types of homes throughout the Commonwealth, and death ascribed by the coroner to whatever disease comes to his mind, pneumonia, heart failure or consumption, but never to the one ill that covers them all; the inhumanity of man to man.

Permit me, Mr. President, to cite a few cases that are authentic. I shall refrain from using the names for social reasons.

Consider the case of Mrs. K. Since the death of her husband she had been a teacher in a private school. Gladly had she learned and gladly taught; but the school failed and she finally lost her job, and was left dependent upon the earnings of her daughter. That was all right; her daughter earned enough as a stenographer to support them both as long as they put thumbscrews in their budget; but there was one hitch. The daughter had been engaged to marry. He couldn't support the three of them; the daughter couldn't throw up her job to go to him. As each month went by Mrs. K. felt the truth eating like an acid into her heart, knowing that she was a grim weight upon her daughter's future, the living barrier to all their hopes. She applied for old age assistance, but it was not forthcoming, her daughter was not sufficiently pauperized. One afternoon in March, while her daughter was down street Mrs. K. wrote a little note explaining her position and turned on the gas in their small stuffy kitchenette.

Or take the case of D. W., an iron-worker, tough and active, but seventy-six year old. For a few of his declining years he was able to get jobs here and there, hopping around on the girders with the best of them. Finally, he was discharged from all types of employment. For a while he obtained a job carrying water on the WPA. Finally they passed a regulation throwing everybody over 65 from the WPA rolls. That finished him. He stood it as long as he could; but when the food was all gone from his room, when the landlord told him he would have to go on the streets, he applied for old age assistance but was informed that he had grandchildren who should keep him. But they failed to do so. He was told to swear out a warrant and take them to court. So he thought of a new scheme. He advertised in the local daily paper. For sale, one blue eye, price \$1,000. Shortly afterwards, they found him in the park, never to bother society again.

But let us consider the story of W. B. W. B. at one time was quite wealthy in his own right, but the crash of 1929 wiped him out entirely. When his resources had dwindled down to a few dollars, he tried for a long while to subsist on vegetables which he planted behind his house. He collected stale bread in the neighborhood store. Finally, his health broke down and in the end he found himself doing what he had determined never to do, petitioning for old age assistance. He soon learned that he was not yet sufficiently pauperized. So he sold the small equity in his house, then the furniture. Then he applied again. They asked him, have you any children. Yes, one son. Is he employed? Yes. How much does he earn? \$60.00 per month. Well, go and live with him. But he is having a tough time right now with three children and a sick wife. The children do not get enough to eat as it is. We can't help that, as long as he

has a job, we can not do anything for you. W. B. finally shuffled out of the office, thinking about this son's wife and the three children. That afternoon, the paper carried a five line item, reporting that a shabby old man had thrown himself into the river.

Now finally, Mr. President, permit me to cite one more case, that of A. P. He also had been fortunate in his youth. He had set aside the sum of \$15,000 in building and loan stock. The depression of 1929 wiped out his reserves with the ruthless and impersonal sweep of a wave demolishing a child's castle of sand. Mr. A. P. was stunned. He used to go out in the park and sit in the sun, looking over the river trying to comprehend what had happened to him. Trying to find a way out of this trap. He looked for a job but they laughed at him. seeing his gray hair and his stooped shoulders. A number of times he was picked up on the street and hurried to the hospital to be treated for malnutrition. He tried to obtain a WPA job but by this time, the age limit was 60, and he was 62 years of age. He tried to get old age assistance but they told him that he would not be eligible until he was sixty-five. So he sat in the park thinking and gradually the way out became a little clearer in his mind. He walked into a drug store and bought a small bottle from the clerk. He would not admit that he was going to use it himself. He was just going to keep it in case of an emergency. But he did use it that same evening. They found his body in the park; they found traces of poison, and they found something else, too. It was a note that he had written, "Too young to receive an old age pension, and too old to find work."

The following day, the gravedigger hacked a six-foot trench in an ugly corner of the cemetery and lowered the old man's body. The digger was accustomed to this sort of thing because he had buried many thousands like Mr. A. P. He shoveled earth into the hole, smoothed the surface of the ground with the back of his spade, lit his pipe, and walked away. That was Mr. A. P.'s farewell from the living; no friends, no relatives, no mourners, no music, no flowers. But finally, Mr. A. P. was remembered by some of the city fathers and within fifteen days after that he was interred once again. Not in a barren plot of country land but in one of the community's finest cemeteries. Not deserted at the last, but attended by ten thousand people. Not dumped without ceremony into the earth, but heaped with flowers and honored by the words of orators and the tears of his own generation.

Why had these people come, and for what did they weep? They wept not alone for him but for themselves and the millions like him; they wept for a society which denies the aged the right to work and grants them instead the right to poverty, dependence and starvation. They came, not merely as individuals, but as representatives of a vast and swiftly growing movement dedicated "to the end that in America a new and sacred right may be established, the right of the senior citizen to dignity, to security, to life."

Therefore, Mr. President, I have cited as a matter of record only a few of the many cases that now exist of the same nature. I am a firm believer that the day must come when our law-making bodies must sincerely consider placing upon our statute books a decent and modern old age assistance act.

Ever since the first cave dweller's son noticed that his failing parents were bringing in less meat than they ate,

man has faced an old-age problem; and, by and large, has faced it well. Perhaps it is his gullibility, but man in all stages of his social evolution, until now, has refused to penalize the aged simply for aging, and instead has granted the elders of his community both respect and comfort, long past the peak of their usefulness.

The natives of Africa, the head men of Guinea, the bushmen of Australia, the Polynesians of the Pacific, the peoples of the Mediterranean, the Indians of America, the Eskimos of the North, all the curious and various tribes of the earth, from the birth of history, have upheld without question the right of the aged to share in the common wealth of the community. These barbarous people, who, lacking the benefits of our modern culture, didn't know any better, assumed as a matter of course that those who had worked hard all their lives for the good of the tribe should not be left to starve in disgrace because of their declining strength.

In fact, it is only as we approach modern industrial society that we come upon the new principle that those who have helped to build up the national wealth shall be the first to be thrown out of employment; shall be made dependent upon their pitiful savings, if any; shall be taken off the relief rolls after a certain age, pauperized, and then handed, if they are lucky, a sum of money which is at best only a fraction of what the government has called a minimum for subsistence. If old age isn't a crime in America, what else could explain such treatment? And yet there must be some other explanation, for even convicts are not treated that way; they get three meals a day, a good bed, and a roof over their heads.

Perhaps the excuse is poverty, poverty of the whole nation; there is not enough to go around; so the least productive citizens must go to the wall first.

Well, primitive communities confronted the same situation. And some of them, mostly the nomadic tribes, took a drastic way out. When the Siberian natives had a particularly bad year, with drought and a shortage of game, they were sometimes forced to send the weakest of the old folk into the desert to die by themselves.

And the Eskimos, when the hunting was bad and food had run very low, were often compelled to leave behind those who were too old to travel, letting them starve or freeze to death in order to free the tribe to migrate.

The Indians of Nevada and Utah occasionally found themselves in the same predicament, driven by drought to hurry on to new hunting grounds and unable to take the aged who had become sick from hunger.

Merciful rather than sadistic, they would knock the old people on the head. But all this is quite explicable, quite reasonable. It has remained for the Americans, however, to devise the most ingenious and most senseless method of disposing of the indigent old: the Americans simply leave the aged to starve slowly and miserably, in the midst of plenty.

It seems apparent that only a happy few were able to lay aside anything for the period when they retire, i.e., when industry boots them out of the productive system or to old to stand the gaff. Only a happy few. And the rest?

Well, in a million homes the rest wait between life and death, without hope and without peace. From tenement windows they can look out upon idle factories and idle men; from the porches of their farms they can see

the unplowed land, the crops destroyed, the fruit rotting on the trees. All around them lies the evidence of potential plenty and even of present wealth, which their own labors have helped to create. All around them are the means of a true retirement to that gracious relaxation of life's labor in dignity and serenity which is each man's right and a few men's reality. Yet in the midst of this nation, the world's richest, they are condemned to a penury, a squalor, and a dependence that constrict and starve the spirit even more than the body. Their plight mocks our political claims of freedom, for where there is no security, there is no freedom; where there is no hope there is no liberty. Poverty, we know, has chains more terrible than any tyrants' jail.

I need not tell you that I am very much disappointed by the attitude shown my 60 at 60 proposal. I frankly admit that at no time did I think that my proposal might be adopted in its entirety at this present session of the legislature. But I did sincerely believe that this Administration would take advantage of the federal grant, which is \$20 per month to the indigent of our Commonwealth, given only, of course, if this state would match its share. But even this is now being denied the aged of our Commonwealth. When I offered my proposal, I offered with it enabling legislation to finance this program. But all of these proposals, evidently, have met their doom by means of a pickling barrel.

Mr. President, there is now only one hope left and that is, that both or either one of the major political parties incorporate within their platform a decent modern, old age assistance act in 1942.

If, 60 at 60 does not meet with their approval, may I ask, is it 50 at 60 or is it 40 at 60? Certainly the powers to be will not lose sight of the fact that in 1942 something must be done along these lines.

However, Mr. President, if neither party sees fit to adopt a modern old age assistance plan, then I have only one alternative, and that is since I have dedicated my life to fighting for the rights of our senior citizens, and since my humble efforts have failed in the Legislative halls, I hereby faithfully promise the people of Pennsylvania that they will have the opportunity to vote for a man who believes in this program because, I, myself, will make the supreme sacrifice to preempt a third party ticket from top to bottom. I shall be a candidate for Governor of this Commonwealth and in my humble and sincere way, will carry this message into every hamlet of this great state.

Defeat, I shall not fear, because even if such shall be my lot, I am firmly convinced that my 60 at 60 proposal will bring many new faces into our legislative halls and many a member of the present legislature, who had scoffed at my idea, no doubt will find it very embarrassing when he once again faces his constituency, seeking their support, to represent them.

So this, gentlemen, is all that you will hear of the 60 at 60 proposal during the remaining days of this session.

So now, gentlemen, I say to you, goodbye until 1942.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Warren will state his question of personal privilege.

WHAT'S WRONG WITH THE UNITED STATES

Mr. CHAPMAN. Mr. President. With the near approach of the nation's birthday, I have been noting the editorials in the public press with special reference to the observance that will be given the occasion. There have been few editorials in which the significance of the day was given comment. Few in which the spirit of the desire for freedom that actuated the heroes of the Revolutionary days were pointed out. Few in which the sufferings and sacrifices of the men of the small army of Washington were paid tribute. Few in which the self sacrifice of men like Robert Morris, Franklin and Solomon were accented men who gave most of their store of worldly goods for the cause of the nation's freedom.

Most of the editorials I have scanned have been warning against speed on the highways; of care to be exercised while bathing at the mountain and seaside resorts; care to be taken against poison ivy and bites of snakes at various play-grounds. Many of them urged the children to have a good time with their fireworks this year as the mounting demand for the chemicals used in fireworks will preclude any pyrotechnic displays next year. Almost every editorial has been devoted to pleasure, sport anything and everything expect an appeal to the patriotic side of the populace.

Celebrations? Plenty of them, and I have scanned published programs galore of the big times arranged at various places. There are ball games, auto races, drum corps drills, water battles, and so on, but in not one have I found a single reference to anything that might even remotely suggest just why July 4th was the nation's greatest holiday.

Originally proclaimed as the day on which every true American could spend a few hours celebrating the formation of the greatest nation in the world, July 4th has been commercialized until now it is an orgy of pleasure and the nation as a whole engages in revelry. What a contrast to the celebration of July 4th, just fifty years ago.

I can remember how in my youth I enjoyed getting up before daybreak and journeying over to see Chris Shutt, Perry Gordan and Phillip Beglar "shoot the cannon." It was a Civil War piece and the veterans of that war who always looked to me akin to the figures in that painting "The Spirit of '76" loaded her with a bag of powder and then rammed home sod and carefully primed the old gun and with a hot rod of iron "touched it off." What a thrill that was as with a resounding bang it let go and the roar reverberated among the hills.

Then the parade in which the Boys in Blue marched lustily along with the red shirted firemen and the Knights of the Maccabees and the Knights of Labor. The Warren Silver Cornet Band played the old war pieces "We Are Coming Father Abraham," "Yankee Doodle" and others that made the goose pimples stand out and the spine tingle when the big flag went by. And the meeting. Always there was a meeting and from a gala decorated platform on which sat the leading citizens in their Prince Alberts, from whose cavernous depths they yanked out kerchiefs to wipe sweat beaded brows, Lincoln's Gettysburg Address was always read and the Declaration of Independence was given by a lusty throated high school boy. A chorus of beribboned and starch skirted young ladies sang "My Country 'Tis of thee," and then some warhorse of the political skirmishes delivered a ringing address on the glories of the nation and the struggles of the young republic

and cheers oftentimes for Washington and Lafayette rent the air.

It was an occasion in which the celebration meant something. If there was a program of sports—100 yards dashes, and so on, or a ball game—it was secondary. July 4th really meant something and I know that into my inner consciousness there was implanted a love of country, a pride in the achievements of the men and women of the nation. My boyish soul was fired by the tributes to the flag and to the men who had fought and died for the retention of its glories unsullied and undefiled.

This year, July 4th finds our nation feverishly preparing for war. In our army camps are over a million sturdy young Americans drawn from store and office, field and factory all being drilled and given an understanding of the arts of war. Our navy made famous by Paul Jones, Farragut, Decatur, and Dewey has the greatest ships and more men than ever in history. Huge factories are belching forth smoke as guns, shells and fighting material is being fashioned. Every home has been touched by these hectic preparations for defense.

Was there ever such a time when into the hearts of young and old there should be poured every word possible to kindle love of country and pride in its accomplishments? While foreign agents and misled Americans are proclaiming a program that would hamper and hinder our preparations for defense and the retention of our liberties July 4th should be used lavishly to counteract that spread of alien thought. It is an opportunity that is being lost. And withal I think the gradual commercialism of the day is to blame perhaps for the lethargy that has assailed our people and has made them indifferent to the efforts to arm.

Flags, bands, songs and stories of the heroes of America all tend to instill into the minds of youngsters a love of country. The Chinese with their veneration of ancestors have inculcated into their teachings a love of the land that is most commendable. A nation wherein the people love the land, where their songs reflect their inherent feelings for their native heath, where their hills and dales are an integral part of their thought and you have a nation strong and durable. I feel we are not paying sufficient heed to the things that tend to weld us into one people—indivisible.

Fourth of July, as far as being observed in accord with the original idea of the celebration has become a tiny germ. Something like the center of a golf ball. Wholly surrounded by another substance it yet gives the ball its life.

I have pondered long on this matter of implanting patriotism and of the celebration of the Fourth of July. I can remember how on Friday afternoons in our school we had "exercises" and the boys and girls spoke pieces. One favorite of mine described how an old man perched in the tower of Independence Hall, ready to chime the Liberty Bell and of how when the Declaration of Independence was signed, his young grandson ran out and yelled at the old man "Ring, Grandpa. Ring, Oh! Ring for Liberty." No more do they "speak pieces" on Friday. To have debates and to read essays and the injection of patriotism into the hearts and minds of our youth is no more.

I take it, fellow Senators, that there should be a movement to bring back the old spirit that marked the Fourth of July celebrations. I feel our schools should have more

and not less of the Bible and more and not less of the teachings of love of country and worship of its heroes.

Today we need every man, woman and child in the great cavalcade of America moving on to a better and more united nation in that our Ship of State may sail on over a charted course that will keep an even keel on the tempestuous seas which are now storm tossed by the wild winds of war. Give us peace, Oh God and a manhood and womanhood in our land that is sturdy and strong, God fearing, peace loving, but withal girded with a love of flag and country that will enable us to toss aside the isms and ideologies that have swept the world.

PERMISSION TO ADDRESS SENATE

Mr. JASPAN. Mr. President, I ask permission to address the Senate.

The PRESIDENT. If there is no objection, the gentleman from Philadelphia will proceed.

Mr. JASPAN. Mr. President, I have here a sixteen page speech. However, I think I will spare the Senate and therefore, Mr. President, I ask unanimous consent to have it spread on the Journal.

The PRESIDENT. The Chair hears no objection on the part of the Senate and the request is granted.

Mr. JASPAN. Mr. President, What the REA has done in Pennsylvania.

When the Rural Electrification Administration, now part of the United States Department of Agriculture, was established in 1935, only 45,182 of the 191,000 farms in the Commonwealth had central station electric service. Today, more than 105,000 farms and many additional rural establishments—factories, schools, churches, stores, dairies and shops—have such service. The increase has been more than 132 per cent in six years!

Obviously the REA cannot claim direct credit for all of this increase. Pennsylvania did not really begin to take advantage of the REA program until 1937, two years after the REA was established. At the end of April, this year, 12 of the 13 cooperatives to which the REA has allotted funds were actually operating 7,505 miles of rural electric power lines and serving 20,808 connected consumers. If the increase in rural electrification that has taken place in Pennsylvania during the past six years were confined to that directly attributable to the REA, the increase would have been somewhat less than 50 per cent instead of more than 132 per cent.

However a good deal more of the increase than that can with justice be attributed to the influence of the REA program. The formation of cooperatives stimulated a demand for electric service among rural people which the private utilities could not disregard. The work of the REA engineering research staff in developing simpler and more economical forms of construction of rural lines, and in demonstrating that these less costly lines are strong and safe, made it feasible for the utilities to build lines into areas which they had previously thought they could not afford to serve. Hence it is only fair to say that every Pennsylvania farm family that has received electric service for the first time in the last six years owes his good fortune at least in some degree to the REA.

The record of rural electrification in Pennsylvania during the six years is one to be proud of. This, however, should not be allowed to obscure the fact that it is only

beginning. Nearly half of the farms in Pennsylvania are still without high-line service. A great many of these thousands of unserved farms must obtain service through the REA if they are to obtain it at all. They are so located that no private utility management, with the interests of its investors at heart, could hope to build lines to them, barring some unforeseen development in the art of generating and distributing electric energy.

The reason for this is simple. It lies in the inherent difference between a private corporation and a cooperative. The corporation is in business for profit. Its shareholders have invested their money in its securities in the hope of receiving dividends. The duty of its management, therefore, is to so conduct its business that the investment of the shareholders will be safe. This means that the ratio between investment and earnings must always be carefully watched to see that it does not get out of line. Earnings must be sufficient not only to pay operating expenses and build up adequate reserves, but also to yield the investors a profit on their investment. You will notice that I have been talking about good corporations; I have described the kind of a utility company that is prudently run by men who have the interest of the investors and the consumers at heart. I don't need to tell you that not all utility companies are like that.

If a corporation exists for the benefit of its shareholders, a cooperative exists for the benefit of its members. They have joined together and incorporated in order to serve themselves as consumers. They have made no investment in the ordinary sense of the term; they are not looking for profits. In fact they could not make any profits if they wished to, for the simple reason that you cannot make a profit by dealing with yourself. Of course a cooperative must be run as prudently as any other business enterprise; but when you remove the item of profit from the list of charges against earnings, you make it possible to get by on less earnings than can the private corporation. When, as in the case of an REA cooperative, you are able to obtain capital at a rate of less than 3 per cent, you cut still lower the minimum income that you need to maintain a going concern.

Now you can see what I meant when I said that a majority of the Pennsylvania farmers still without electric service must get such service through the REA if they are to get it at all. It may be that even cooperatives cannot afford to serve all of them; but cooperatives can afford to serve many of them that private power companies can not. And because of certain developments, such as the so-called "self-help system" and the limited service plan, the proportion whom cooperatives can afford to reach is constantly increasing.

Certain things are necessary if a cooperative is to be established on a sound financial basis—and the law makes clear that all REA cooperatives must be established on such a basis. The REA makes long-term loans, to be sure, and it makes them at the same rate of interest that the government itself pays for its long-term obligations; but they are loans just the same, and every penny of them must one day be paid back. The REA is a lot of things, but Santa Claus is not one of them.

In the process of taking electric service to more than three-quarters of a million farm families and other rural consumers in 45 of the 48 States and in two of the Ter-

ritories in six years, the REA has learned a good deal about the conditions under which electric service cooperatives flourish, and also a good deal about the conditions under which they become weak and puny. And the first essential for a successful cooperative is an area large enough to make a self-liquidating power system feasible. When you are building a power system as a unit to serve an entire rural area much of which is mighty thin, you just have to have some good territory to balance the poor. There are no two ways about that.

A great many cooperatives have died before they built a mile of line, during the last six years, simply from want of an area in which to work. The area was there when they were organized, all right; but just as soon as the power companies heard that the farmers were organizing to serve themselves, they suddenly discovered that they could afford to serve parts of the area themselves. Not the whole area; just the best parts of it. They suddenly reduce the rates they have proposed to charge and change their minds about requiring heavy contributions from prospective customers. And if they can wean away enough farmers in strategic parts of the cooperative area, they can prevent the cooperative from ever getting started. Of course by doing that they doom the farmers on the back roads to go without electricity for years, perhaps forever; but that is just part of the game.

This is the way it works. A community leader in the area now served by one of the Pennsylvania REA cooperatives had wanted electric service and tried to get it for many years. In the late spring of 1936, the power company offered to serve this farmer if he would guarantee a minimum of \$20 a month. That was beyond the farmer's means. A little later, after the cooperative had started to organize and develop its area, the power company suddenly decided that it could serve him for a monthly minimum of \$3.50 a month. Well, this farmer, being a public-spirited man, didn't yield; but there have been instances in which such tactics worked. To make it impossible for power companies to practice them in Pennsylvania is the object of the bill for which I am asking consideration.

Some of you, I am sure, are thinking, "Rural electrification is a good thing, all right. I'd like to see every farmer able to get light at the flip of a switch and to listen to a socket-power radio. But man alive, don't you know that we are in an emergency and that we can't afford to use money for frills when we need it for guns and planes and ships and tanks."

You are right that we can't afford to spend money for frills. We are in an emergency, perhaps the greatest that this country has ever faced. But you are wrong when you think that is an argument against extending rural electrification. On the contrary, it is the strongest argument that could be advanced for getting electric service to as many farmers as we can, and in the shortest possible time.

An important factor in this emergency is food. Food for ourselves, and food for the people of the embattled democracies. We have plenty of wheat and a good supply of some other grains; but we need to convert those grains into protein foods—into pork, cheese, evaporated milk, poultry products. And it so happens that the very foods of which both we and the defenders of democracy across

the seas are in the greatest and most immediate need are the types of food in the production and conservation of which electricity is most valuable. On the farm, electricity is a tool for increasing production as well as a convenience. Electric brooders, electric milk coolers, electric refrigerators big and little, electric water pumps, electric soil heating cable, all these and more enable the farmer to raise more food with the same amount of help and in the same amount of time. Electric motors do the same. And some electric household appliances, such as the washing machine and the hand iron, conserve the strength and time of the farm housewife so that she can devote more time to the dairy, the garden, the poultry house.

All this and more electricity from REA lines already built in Pennsylvania is doing. And there is another aspect of the contribution of the REA to national defense that cannot be overlooked. I refer to the fact that rural electric cooperatives in Pennsylvania, as elsewhere throughout the country, are providing power for small rural industries, remote from the big cities and relatively free of the danger of enemy action, where bits and pieces of essential defense equipment and supplies are being made. These include machine shops, coal mines, oil well pumps, and a host of other small establishments. In addition, the REA lines are powering small rural processing plants where local farm products can be processed and reduced in bulk before shipment, thus easing the strain of emergency needs on the Nation's transportation system.

Perhaps the strongest advocate of rural electrification as a defense measure to be found in the world today is the man who typifies everything that we most detest, Adolf Hitler. Before embarking on his career of conquest, Hitler saw to it that electricity reached virtually every farm in Germany. Some time before the war, farmers in Germany began to receive great boxes. They were told that these boxes contained machines for making toys, and that at the proper time representatives of the government would come to help them unpack and set up the machines and teach the farmers to use them. When the Polish campaign began, government representatives visited the farms according to promise; but the machines of parts for the material of mechanized war. Hitler had of parts for the material of mechanized war. Hitler had recognized that if he had small plants scattered all over Germany, he would be insuring himself as much as possible against the possibility of having a vital war industry disabled by air attack.

In one respect we are unlike Hitler; we did not start our rural electrification program as a measure of preparation for war. Nor do we wish to make it entirely, or even chiefly, a war machine. We want it to be, in the years to come, a source of strength to the type of civilization we have developed in the more than three centuries since the settlement of this continent began. But we do not want electricity purely, or even chiefly, as a luxury. We want it to earn its way on the farm, in peace or in war, knowing that if it does that, we need have no fear of its earning its way on the system.

As I have indicated, all of the REA systems in Pennsylvania are cooperatives. I mentioned some of the economic characteristics of the cooperative. But even more important than a cooperative's economic character-

istics are its social characteristics. It is an organized expression of the spirit of neighborliness that appeared at Jamestown and Plymouth, that runs in an unbroken thread through the whole course of American history. In a cooperative, neighbors work together to get for themselves some service which they either cannot get at all, or else cannot get so advantageously, from someone else. An REA cooperative in particular, because its base is the community rather than a commodity, serves to unite in common effort the people of an entire rural area. Moreover, because every member has one vote and only one, so that all come together as equals at the annual meeting where officers are elected and policies adopted, it forms an excellent training camp of applied democracy.

I look forward to the day when we Pennsylvanians will not be satisfied with having a little more than half of our farms electrified. I look forward to the day when we shall be able to reach with electricity every Pennsylvania farm that the Government can reach with selective service. Granted continued action to make it possible for electric service cooperatives to live and thrive in this Commonwealth, I am confident that the sun of that day will ultimately rise.

PERMISSION TO ADDRESS SENATE

Mr. BARTLETT. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Northampton will proceed.

Mr. BARTLETT. Mr. President, I cannot permit the statements of the gentleman from Cambria to go without challenge, even while I congratulate him on the ambition he has disclosed.

The bill to which the gentleman refers, to provide sixty dollars at sixty years for every citizen of this Commonwealth, has been in the Committee on Welfare, Public Assistance and Pensions since early in this session. It has remained in that committee because it was the unanimous judgment of the members of the committee that that would not make desirable legislation for this Commonwealth. If I have opposed the measure personally, it is not for personal reasons, as I can qualify as an immediate beneficiary.

The judgment of those best equipped to calculate is that this bill would cost the Commonwealth \$740,000,000 per biennium. That is for old age assistance alone, and if to that we add blind pensions, aid to dependent children and general assistance, the cost of state administration, including aid to various schools and higher institutions and hospitals, and the cost of operation of state owned hospitals and administration, this could readily bring the cost of administration to this State to more than twelve hundred million dollars per biennium. That is substantially two and one-half times the present cost of running this Commonwealth. If there is any member of this Senate who knows where twelve hundred million dollars can be obtained, I do not know him. If there is any member of this Senate who could face his constituents successfully after advocating the taxes necessary to provide twelve hundred million dollars in two years I do not know him.

Mr. President, I yield to no one in my anxiety and effort to help those who have gotten beyond the point where they can help themselves, but it is folly for us to

...eve that whatever we would like to do, we can do. I must cut our coat according to the cloth, as you individually must do.

...believe, Mr. President, that it is cruel torture, no less than bodily torture, to encourage the people of this state to believe that any such thing is possible, because it is not so.

Mr. HALUSKA. Mr. President, I had no intention of making further upon my sixty at sixty plea, as I stated in my speech a few minutes ago, but certainly when the gentleman from Northampton gets up and makes false statements, I shall not sit idly by and let them go unchallenged.

...permit me to quote, Mr. President, a part of my speech, when I read the following into the record.

I proposed to this Legislature Senate Bill No. 12, known to this body as the sixty at sixty old age assistance bill. I wonder how many of my colleagues have really read this bill in detail. If I were to interrogate any of them, I am fearful that few, if any, would have any knowledge of my proposal."

How true those words have become right now, because at a moment ago the gentleman from Northampton proposed a bill paying every person at the age of sixty the sum of sixty dollars a month. That, Mr. President, is not true, and for that reason I am convinced that the gentleman from Northampton had not read my bill, because my bill provides that in every household where a person has reached the age of sixty, and provided the income was less than sixty dollars a month, they would be entitled to these benefits. I readily see now how they put that enormous figure of \$750,000,000 because without reading my bill, by a conclusion of their own, they try to put up this scarecrow, and say it can not be done because it will cost so much money.

...say I will meet Mr. Bartlett, Mr. Russell, the Governor of this Commonwealth, any man in this chamber, any man in the Commonwealth, and prove to them without doubt that my program could be effected and the total sum would be \$85,000,000 per year, not \$750,000,000, and I rise to defend my own program, and to go on record against any false statements, because the statement of \$750,000,000 is not correct, it is untrue, and it is only a scarecrow.

SENATE BILL No. 566, CALLED UP FROM TABLE

Mr. TALLMAN. Mr. President, I now call up from the table, Senate Bill No. 566, (House Bill No. 1675).

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Philadelphia state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, what is the condition of this bill now? How does it get on the table?

The PRESIDENT. The bill was on the table. It has never been called from the table.

Mr. SHAPIRO. Mr. President, has this bill been referred from the Governor?

The PRESIDENT. Yes.

RECONSIDERATION OF SENATE BILL No. 566, (HOUSE BILL No. 1675).

Mr. TALLMAN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 566, (House Bill No. 1675), entitled:

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges as real estate.

was passed finally, June 18, 1941.

The PRESIDENT. How did the Senator vote?

Mr. TALLMAN. Mr. President, I voted "aye."

Mr. MILLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. TALLMAN. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. TALLMAN. Mr. President, I voted "aye."

Mr. MILLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. TALLMAN. Mr. President, I ask unanimous consent to amend section 4, page 6, line 8, by inserting after the word "provided" and before the word "and" the words: "for a discharge of the charge from all of the land on which it was originally imposed"; amend section 4, page 6, line 12, by striking out the words "the whole of said tract of" and inserting in lieu thereof the words: "all of the said."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to,

Ordered, That said bill as amended be printed for the use of the Senate.

SENATE BILL No. 352, CALLED FROM THE TABLE

Mr. JAMES. Mr. President, I now call from the table, Senate Bill No. 352, (House Bill No. 1604).

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

RECONSIDERATION OF SENATE BILL No. 352, (HOUSE BILL No. 1604).

Mr. JAMES. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 352, (House Bill No. 1604), entitled:

An Act providing for the creation maintenance and operation of a county employes retirement system in counties of the fourth and fifth class imposing certain charges on counties and prescribing penalties.

was passed finally, June 16, 1941.

The PRESIDENT. How did the Senator vote?

Mr. JAMES. Mr. President, I voted "aye."

Mr. MILLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye."

The motion was agreed to,

And the question recurring,

Shall the bill pass finally?

Mr. JAMES. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. JAMES. Mr. President, I voted "aye."

Mr. MILLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. JAMES. Mr. President, I ask unanimous consent to Amend section 1, page 1, line 2, by inserting after the word "act" and before the word "shall" the following: "unless a different meaning is plainly required by the context"; Amend section 1, page 1, by inserting between lines 8 and 9 the following: "In all cases of doubt the board shall determine whether a person is an employe within the meaning of this act and its decision shall be final"; Amend section 1, page 2, line 13, by striking out after the word "in" and before the word "county" the word: "[any]"; and inserting in lieu thereof the word "said"; Amend section 1, page 2, line 14 by striking out after the word "a" and before the word "who" the following: "county employe"; and inserting in lieu thereof the word: "member"; Amend Section 1, page 2, line 15 by striking out after the word "a" and before the word "prior" the following: "[member of the retirement system]"; and inserting in lieu thereof the following: "county employe"; Amend

section 1, page 2, line 17 by striking out at the beginning of the line the word "[any]"; and inserting in lieu thereof the word: "said"; Amend section 1, page 2, line 18 by striking out after the word "and" and before the word "who" the following: "[county employe]"; and inserting in lieu thereof the word: "member"; Amend section 1, page 2, line 20 by striking out after the word "in" and before the word "county" the word "[any]" and inserting in lieu thereof the word: "said"; Amend section 1, page 3, line 4, by inserting at the end of the line the following: "and the interest earnings thereof"; Amend section 1, page 3, line 6, by inserting at the end of the line the following: "and the interest earnings thereof"; Amend section 1, page 3, line 7, by striking out after the word "the" and before the word "annuity" the word: "[State]" and inserting in lieu thereof the word: "county"; Amend section 2, page 4, line 3, by striking out after the word "first" and before the word "of" the word: "[day]" and inserting in lieu thereof the word: "Monday"; Amend section 3, page 4, line 15, by inserting after the word "made" and before the word "on" the following: "by the commissioners"; Amend section 8, page 7, line 1, by inserting after the word "members" and before the word "prior" the following: "who have been at any time county employes"; Amend section 8, page 7, line 12, by striking out after the word "to" and before the word "of" the following: "[January first]" and inserting in lieu thereof the following: "the first Monday of January"; Amend section 8, page 7, line 16, by striking out after the word "to" and before the word "of" the following: "[January first]" and inserting in lieu thereof the following: "the first Monday of January"; Amend section 8, page 7, line 19, by striking out after the word "to" and before the word "of" the following: "[January first]" and inserting in lieu thereof the following: "the first Monday of January"; Amend section 10, page 9, line 1, by striking out at the end of the line the following: "[be pay-"; and before the word "and the following: "each year for total service]" and inserting in lieu thereof the following: "the number of years he has been a contributor"; Amend section 14, page 10, line 28, by inserting after "poye" and before the word "is" the following: "and before reaching super-annuation retirement age"; Amend section 14, page 11, line 2, by inserting after the word "allowance" and before the word "of" the following: "consisting of a county annuity"; Amend section 14, page 11, line 3, by striking out at the end of the line the following: "[be pay-"; Amend section 14, page 11, by striking out line 4 and inserting in lieu thereof the following: "include the member's annuity calculated in accordance with the provisions of this act"; Amend section 15, page 11, by striking out line 6; Amend section 15, page 11, line 8, by striking out after the word "receiving" and before the word "total" the word "[a]"; Amend section 15, page 11, line 8, by striking out after the word "total" and before the word "equal" the word: "[allowance]" and inserting in lieu thereof the following: "members annuity payments"; Amend section 15, page 11, line 12, by striking out after the word "total" and before "re-" the following: "[retirement allowance]" and inserting in lieu thereof the following: "member's annuity payments."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 1023, entitled:

An Act to further amend Section 902 and to repeal Section 1033 of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," regulating vehicles and loads on vehicles transporting other vehicles and repealing existing provisions relating thereto.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

RECALLING SENATE BILL No. 151, FROM THE GOVERNOR

Mr. CAVALCANTE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, July 1, 1941.

Resolved (if the House of Representatives concur), that Senate Bill No. 151, Printer's No. 39, entitled "An act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office and validating deeds heretofore so executed,"

be recalled from the Governor for further consideration.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

RECALLING SENATE BILL No. 572, FROM THE GOVERNOR

Mr. STIEFEL offered the following resolution which was twice read, considered, and agreed to:

In the Senate, July 1, 1941.

Resolved (if the House of Representatives concur),

that Senate Bill No. 572, Printer's No. 253, entitled "An act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas orphans' courts municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or re-argument are filed,"

be recalled from the Governor for further consideration.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 229, entitled:

An Act creating a commission to make a study and investigation of the laws governing, and the practical operation of, the parole and penal systems of this Commonwealth, and other parole and penal systems; defining its powers and duties; and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1174, entitled:

An Act to amend the act, approved the twentieth day of May, one thousand nine hundred and thirty-seven (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employees thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation," as amended by providing for the payment of fees and expenses of the members of said board not properly chargeable as costs of proceedings before it, further prescribing procedure, and further defining the jurisdiction of said board.

He also, from the Committee on Appropriations, re-reported as amended, Senate Bill No. 582, (House Bill No. 639), entitled:

An Act requiring the Department of Property and Supplies with the approval of the Department of Military Affairs to complete and thereafter maintain "The Twentieth Division Shrine" at Boalsburg, Centre County, dedicating the same to the officers and men of the Twentieth Division and making an appropriation.

Mr. EDMONDS, from the Committee on Finance, reported as committed, Senate Bill No. 1238, (House Bill No. 1648), entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for re-

funds," as variously amended, by changing registration years, fractions of registration years, operator's license years; extending the time for exemption from fees for transfer of registration to conform with changed registration year; reducing operator's license fee; and giving the secretary power to determine whether certain motor vehicles are of tractor type.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 1206, (House Bill No. 1621), entitled:

An Act to add section forty-three to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," authorizing compromise of tax claims in cases where there is a dispute as to the domicile of the decedent.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 1269, (House Bill No. 1652), entitled:

An Act to further amend sections eight and eleven of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by giving the secretary discretionary power, under certain circumstances, to suspend operators' licenses; and providing for notice and hearing before suspension of licenses and registrations.

Mr. CROWE, from the Committee on Forests and Waters, Game and Fish reported as amended, Senate Bill No. 966, (House Bill No. 955), entitled:

An Act to amend section ninety-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating use of gill-nets in boundary lakes.

Mr. MILLER, from the Committee on Military Affairs, reported as amended, Senate Bill No. 1166, (House Bill No. 1686), entitled:

An Act relating to certain civil rights and liabilities of persons in the armed service of the United States; providing for the suspension of the enforcement of certain civil liabilities; providing for the re-employment of such persons upon completion of such service; and imposing penalties.

BILL INTRODUCED

Mr. LETZLER. Mr. President, I am about to offer a bill, but before doing so I desire to make a brief state-

ment giving my reason for offering the bill, as well as my reason for offering it at this late date in the session.

The PRESIDENT. The gentleman from Clearfield may proceed.

Mr. LETZLER, last week the War and Navy Departments and the Office of Production Management in Washington announced to the United States that the most pressing necessity in this country today is aluminum. This country needs aluminum in all phases of war production and does not have it available. The production of airplanes so vital to national defense and our international interests must be curtailed because of the fact that we do not have enough aluminum in this country, and apparently it would be some months before we could catch up.

In Pennsylvania we have a marvelous opportunity to help correct this shortage of aluminum in the United States. Aluminum is refined from an ore called "bauxite." In bauxite aluminum exists in the form of aluminum oxide. The supply of bauxite in this country is to a considerable extent limited. In many sections of Pennsylvania aluminum exists in large quantities, which, if utilized, can not only overcome the shortage of aluminum today, but can give us an unlimited supply of ore from which bauxite can be refined.

Approximately two-thirds of the area of my district is underlain with veins of clay, both soft and hard. A large portion of this clay is rich in aluminum. Hard clay contains practically the same percentage of aluminum silicate that bauxite does of aluminum oxide. Almost every section of Pennsylvania contains clay that is rich in aluminum.

For the first time in the history of this country, we are short of aluminum, and we realize now that the other sources of aluminum must be developed in addition to those with which we are already familiar. If we are to assure aluminum in the quantities which this country will now need, we must utilize clays in Pennsylvania, as well as the bauxite in other states.

Unfortunately, in the production of aluminum, no one has ever taken the trouble to devise a process for the extraction of the aluminum metal from the aluminum silicates in clay. This must be done immediately. Were a process for the extraction of the aluminum metal from the aluminum silicate, the United States will have unquestionably the greatest source of aluminum in the world, and Pennsylvania can easily assume the leadership in the production of aluminum ore and aluminum metal.

I desire to offer this bill, which will finance the necessary research at the School of Mineral Industries at the Pennsylvania State College and which will enable the Department of Scientists to devise and prepare a process for the extraction of the aluminum metal from the aluminum silicate. There is probably nothing that we can do at this time that would add more greatly to the wealth of the Commonwealth of Pennsylvania, or more to keep the citizens of this state employed.

The United States needs, and will need in times to come, aluminum in tremendous quantities. We are in a position to supply this need to the profit of the people of the State of Pennsylvania by the application of the scientific discoveries. Almost every person owning an acre of land in this state may possibly be enriched by the development of this process.

It is only within the last week that we have learned that this situation is critical, and I would request that we move fast to remedy this condition in developing in this state a method and a process to make use of our almost inexhaustible supply of potential aluminum ore.

Mr. LETZLER read in his place and presented to the Chair Senate Bill No. 1306, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

Which was committed to the Committee on Appropriations.

RECALLING SENATE BILL No. 599, FROM THE GOVERNOR

Mr. COX offered the following resolution which was twice read, considered and agreed to:

In the Senate, July 1, 1941.

Resolved (if the House of Representatives concur), that Senate Bill No. 599, Printer's No. 342, entitled: An Act to amend section three of the act, approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled 'An act for the better management of the Allegheny county prison' by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

PERMISSION TO ADDRESS SENATE

Mr. CAVALCANTE. Mr. President, I request permission to address the Senate.

The PRESIDENT. The gentleman from Fayette will proceed.

Mr. CAVALCANTE. Mr. President, page 312 of the History, Senate Concurrent Resolutions, shows that this Senate on April 2, 1941 adopted a resolution introduced by the gentleman from Cambria, Mr. Haluska, and the gentleman from Cumberland, Mr. Wade. That resolution went to the House, was considered and was there referred to the Committee on Rules on April 8th. On April 15th the resolution was reported as committed, and on April 15, 1941 the House concurred in that resolution. Immediately following that in the History, Mr. President, in parentheses, there is the following: "Copy of resolution transmitted to Secretary of Public Assistance by Secretary of Senate."

Mr. President, I want to call my colleagues' attention to these two resolves of that resolution:

"Resolved, (if the House concur), that the Department of Public Assistance be requested and notified to at once raise the maximum amount of insurance permitted to be carried by a relief recipient or by any or all members of his or her family directly affected from \$500 to not less than \$1000 in the aggregate in policy or policies either paid up or in premium paying period, and be it further

"Resolved, that the Department of Public Assistance is requested to notify its various County Boards of Assistance of this request and resolution immediately upon its passage."

That, Mr. President, as I have indicated, was April 15, 1941. On June 12, 1941, I received the following communication from one of my constituents:

Brownsville, Pa., June 12, 1941.

Senator Anthony Cavalcante,
Uniontown, Pa.

Dear Senator Cavalcante:

Not knowing what to do or whom to ask for advice, I am at a loss to know just what to do in regards to the demands made of me by the Department of Public Assistance. I am receiving a relief grant of \$6.50 weekly, for which I work. I have already signed over my lot on Second Street, Brownsville, to the public assistance. Now they want me to make the state beneficiary of half of my one thousand dollar insurance policy. Since this is the only protection I have to take care of my wife in case of my death, it seems a little unreasonable to me. Please advise me what to do.

Sincerely yours."

Mr. President, as soon as I opened that letter and I had read it, I called up the Executive Director of the Fayette County Board of Assistance, read the letter to him and called to his attention the fact that we had passed a resolution touching this subject, and that it was my opinion that we had set a ceiling or a floor in regard to the amount of insurance that could be carried by a relief recipient at one thousand dollars, and he said he would immediately send me by mail a memorandum or a rule issued to them by the Department of Public Assistance covering this same subject.

Now, Mr. President, here is what I received by mail on June 26th from the Fayette County Board of Public Assistance:

"Commonwealth of Pennsylvania
Department of Public Assistance
Harrisburg, May 9, 1941.

MEMORANDUM No. 60

"To: Executive Directors—R54
County Supervisors—S-34

"Subject: Insurance Regulations

"The State Board, at its meeting of April 30, 1941, reviewed the present regulations on insurance and adopted the following revision which is immediately effective:

"Any applicant or recipient (even though he is not uninsurable) may retain insurance coverage of any amount if he makes a total assignment to the Department, providing for repayment of assistance from that portion of the net coverage of his policy or policies exceeding \$500 for those over 16, and \$300 for those under 16. Assignment is understood to include nomination of the Department as beneficiary of the insurance.

"To be eligible for assistance, a person with net insurance coverage exceeding the permissible maximum must either exercise the above option or reduce his insurance. The choice is left with the insured and should be clearly explained to him. Where reduction is not possible and is therefore ruled out as an alternative, assignment will of course be necessary. Where neither assignment nor reduction is possible, the insurance does not affect eligibility.

RAYMOND T. BOWMAN,
Deputy Secretary.

"Refer to: William B. Tollen."

Now, Mr. President, of what need or use is there for this body, under the prerogatives entrusted to it by the Constitution, to adopt a resolution such as we did on April 15, 1941, merely to have the department to which it was directed throw the thing back in our faces, and leave the resolutions as they had them before the adoption of that resolution? I think it is a very high contempt of the authority of this Senate.

I personally feel that in the face of our resolution, the action of the Department of Public Assistance amounts to malfeasance or misfeasance in office, and something ought to be done about this. I think they ought to obey orders or resolutions passed by this Senate and put the maximum of insurance that a recipient can have up to one thousand dollars and not keep it where it was at five hundred dollars.

Mr. DENT. Mr. President, I desire to make a very short statement.

The PRESIDENT. The gentleman from Westmoreland may proceed.

Mr. DENT. Mr. President, listening to the statement of the gentleman from Fayette, about the action of the Department of Public Assistance in connection with this resolution. I just want to make a statement for the record.

In 1937, when the Democrats were in control of both branches of the General Assembly, and also the executive branch of government, the so-called public assistance law was passed. In this law the right was given to the department to make rules and regulations as they deemed fit for the proper administration of the act. They saw fit to ask relief recipients to sign a bond. I stated in a discussion here on the floor in 1939 that that was not a specific requirement of the law as passed by the Democratic party in 1937, and the then Attorney General, I think—no, I think it was the Attorney General that served under the Democrats—gave some sort of an opinion to the effect that the law did stipulate that this bond must be signed by a relief recipient.

However, not being a lawyer, I still took the position the law did not require it, and since that time I believe the department has retracted its statement and changed its position. Therefore I want to make clear that the bond requirement is purely an administrative rule, a regulation of the Department of Public Assistance, and I for one am sick and tired of having the Republican Public Assistance officials in Westmoreland County telling relief recipients that it was my vote that forces them to sign the bond. The bond requirement is a very nasty, very un-American requirement of relief recipients, I am against it; I have spoken against it before. I have introduced resolutions, along with my colleague from Cambria, Senator Haluska, and have talked against it, along with my colleague from Allegheny, Senator Walker, but the Public Assistance Department insists on following this particular policy.

Mr. President, I believe the Department of Public Assistance knows the Legislature is against the requiring of a relief bond. I want to tell you of a little experience I had just last week, of a young man who received \$18 in relief and had to sign a \$500 bond. He was trying to borrow \$300 at a bank and the bank will not let him have the money so long as this bond is against him. He tried to satisfy the bond and they ask now for \$127 instead of \$18, although there is no record of him ever receiving

over \$18 from the Department of Public Assistance, and I want to say to you I hope to be in this Senate long enough to see men courageous enough to take away from the people of Pennsylvania, who are the home owners who are the taxpayers, those who have tried to make something of their lives, take away from them the requirement of signing a slavery bond for themselves and their children and their children's children, while at the same time they let the bums who have never worked never saved anything, receive relief without any requirement whatsoever, and I hope I may see the day when we will have at least twenty-six men in this Senate with courage enough to stand up and say this requirement is un-American and unfair, and take it away from the Department of Public Assistance.

Mr. HALUSKA. Mr. President, I might in answer to my friend from Westmoreland, state we do have a bill in the Committee of Welfare, Public Assistance and Pension, dealing with that bond issue; it is not too late to bring that bill out and to act upon it, if we do have twenty-six courageous men.

POINT OF INFORMATION

Mr. HALUSKA. Now, Mr. President, I rise on a point of information. My colleague from Fayette spoke on Resolution No. 118, presented by myself and my colleague from Cumberland, Mr. Wade. The gentleman from Fayette explained in detail what had taken place since this resolution had been passed. At this time I would like to be informed whether or not this resolution is mandatory, whether the Department can ignore it entirely or whether it has some effect.

The PRESIDENT. The Chair has no authority to answer such an inquiry.

Mr. HALUSKA. I desire to interrogate the gentleman from Somerset.

The PRESIDENT. Will the gentleman from Somerset permit himself to be interrogated?

Mr. EALY. I will, Mr. President.

Mr. HALUSKA. Mr. President, I would like to ask this question sincerely: I would like to ask the gentleman from Somerset, Mr. Ealy, whether or not Resolution Serial No. 118, appearing on page 312 of the history which was passed by this body on April 2nd, has any effect, whether it is mandatory upon the Department of Public Assistance to enforce this request or whether the Department can ignore it.

Mr. EALY. Mr. President, does the gentleman from Cambria desire to ask me that question?

Mr. HALUSKA. That is right, Mr. President.

Mr. EALY. Mr. President, I do not think it is mandatory upon the department, but it should be persuasive with them, as to the views of the Legislature.

Mr. HALUSKA. Mr. President, it was the intention of the Legislature to adopt certain rules and regulations is that correct?

Mr. EALY. No, Mr. President; it was not the intention of the Legislature to adopt rules. The resolution speaks for itself and I am not informed that the resolution has not been carried out. The letters which were read here today give one side of the picture, but if we ask the Department of Public Assistance to report, it might be quite different.

Mr. HALUSKA. Mr. President, I would like to ask the

gentleman from Somerset just one more question. Is it possible on his part, between now and next Monday, to receive a statement from the Secretary of Public Assistance telling us whether or not he has any intention of following out our suggestion.

Mr. EALY. Mr. President, I think the gentleman from Cambria could make that request of the Department of Public Assistance. Personally, I was not too much in favor of this resolution when it was passed, so I am not particularly concerned whether the department carries it out or not. It seems to me it gives a special advantage to a certain class of individuals which is not given to others. I suggest the Senator make the inquiry himself from the department.

Mr. HALUSKA. Does the Senator mean through the Secretary of the Senate.

Mr. EALY. I mean the gentleman from Cambria should himself inquire from the department.

Mr. HALUSKA. Mr. President, I would like to persist, if possible, in order to obtain this valuable information, I would like to ask the Chair if it is possible to have the Secretary of the Senate obtain this information between now and next Monday, from Mr. Russell, and have him tell us whether or not he has any intention of living up to the request of this resolution, or whether he has received this resolution. If I must make a motion to that effect I will do so.

The PRESIDENT. Will the gentleman from Cambria please repeat his request?

Mr. HALUSKA. Mr. President, I would like to ask the Chair whether it is possible on the part of the Chair to instruct the Secretary of the Senate to receive a report from the Secretary of Public Assistance, between now and next Monday afternoon, so we might have available information as to whether or not he has any intention of following out the instructions of this resolution, or whether or not he has even received the resolution as passed by his body.

The PRESIDENT. The Chair does not believe that a verbal request of that kind would be mandatory or should govern the Secretary. The Chair feels a resolution ought to be adopted asking for that information, and that such a resolution ought to be reduced to writing. The gentleman from Cambria is entitled to that information. The duty of the Chair is to preside; he can not enter into discussions of the Senate. The Chair feels that the gentleman from Cambria is proceeding along the right line but is of the opinion the gentleman from Cambria should not insist that the Secretary of the Senate comply with a verbal request. Such a request should be in the form of a resolution.

Mr. HALUSKA. Mr. President, I shall prepare a resolution in the next few minutes and will request its immediate adoption, so that we might have before this body on Monday a complete report in detail.

PARLIAMENTARY INQUIRY

Mr. THOMAS B. WILSON. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT. The gentleman from McKean will state his parliamentary inquiry.

Mr. THOMAS B. WILSON. Mr. President, is there any way we can get to the Calendar and do the business we

are supposed to do, so that we can take up the work of the Senate, instead of wasting a lot of time?

The PRESIDENT. That is a matter for the Senate to decide; the Senators may take any action and call any order of business they desire.

MOTION TO PROCEED WITH CALENDAR

Mr. THOMAS B. WILSON. Mr. President, I move that we now proceed to consideration of the Calendar.

Mr. WALKER. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair wishes to emphasize the fact that at any time the Senate may take any action it desires.

Mr. THOMAS B. WILSON. It is not my intention, Mr. President, to criticize the Chair.

The PRESIDENT. The Chair so understands. The Chair rather likes to be rescued at times.

In view of the close approach of adjournment the Chair is of the opinion it would be well to recall to the attention of the Senators the law in relation to correcting errors in bills.

"Section 23. Correction of Errors in Laws. Where any law shall have been finally enacted and it shall be ascertained that such law is technically defective in form, or contains misspelled words or typographical errors, or the plural or singular number, or the past, present or future tense appears where another should be used, or where a word clearly intended to be inserted has been omitted, or where a word is correctly spelled but it clearly appears that another word was intended, the Secretary of the Commonwealth, in punctuating it and editing such law, shall have authority, with the approval of the President pro tempore of the Senate, the Speaker of the House of Representatives, the Attorney General, and the Director of the Legislative Reference Bureau, to correct the original copy of such law, as filed in the Department of State, if such correction will not in any manner affect or change the meaning, intent or substance of such law.

"Whenever any such correction or any law is made, a notation thereof shall be made on the original copy by the Secretary of the Commonwealth, together with his signature, followed by the approval and signatures of the President pro tempore of the Senate, the Speaker of the House of Representatives, the Attorney General, and the Director of the Legislative Reference Bureau.

"A notation of such corrections shall be printed in the pamphlet laws as footnotes to the laws on which the corrections were made."

CALENDAR

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 588, ADOPTED.

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the consideration of the Report of the Committee of Conference on Senate Bill No. 588.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL No. 588

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the

part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 588, entitled:

"An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, by prescribing the method of fixing the fair market value of such property sold on execution and limiting the amount collectible thereafter on such judgments."

Respectfully submit the following bill as our report:

CLARENCE D. BECKER,
G. HAROLD WATKINS,
JOHN FREMONT COX,
(Committee on the Part of the Senate.)

JOSEPH SKALE,
HOMER S. BROWN,
CHARLES A. AUKER,

(Committee on the Part of the House of Representatives.)

An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof by prescribing the method of fixing the fair market value of such property sold on execution and limiting the amount collectible thereafter on such judgments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any real property has heretofore been or is hereafter sold directly or indirectly to the plaintiff in execution proceedings and the price for which such property has been sold was or is not sufficient to satisfy the amount of the judgment interest and costs and the plaintiff seeks to collect the balance due on said judgment interest and costs the plaintiff or plaintiffs shall petition the court having jurisdiction to fix the fair market value of the real property sold as aforesaid Said petition shall be signed and sworn to by the plaintiff or plaintiffs

Section 2 The petition

(a) Shall set forth the location and description of the real property sold and the name or names of all persons known to petitioner or ascertainable upon reasonable inquiry to be or who may be directly or indirectly liable to petitioner or any other person for the payment of the debt for which the judgment was entered

(b) Shall contain a statement of the fair market value of said property and

(c) Shall name as respondents to the debtors obligors and guarantors and any other persons directly or indirectly liable to petitioner for the payment of said debt and the owners of the property affected thereby together with the addresses of such persons to the extent that such addresses are known to petitioner or may have been ascertainable upon reasonable inquiry and an affidavit that he does not know and after reasonable inquiry has been unable to ascertain the residence or business addresses of the others

Section 3 The court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon each of the persons named therein as respondents at least ten days prior to the date fixed for hearing At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer in writing the nature and extent of his interest in the proceedings and answering the averments of the petition. A copy of such answer shall be served upon the petitioner within a reasonable time prior to the hearing

Section 4 Said petition may be served by the sheriff of the County or by the Sheriff of any other county specially deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above

methods the court may direct service by publishing on a week for two successive weeks both in the legal newspapers of the county where the petition is filed and on a newspaper of general circulation in the said county the last such publication to appear at least fifteen days prior to the day fixed for the hearing of such petition a notice to the said respondent or respondents of the filing of said petition and the date fixed for hearing thereon If there is no legal newspaper in the county then publication in one newspaper of general circulation in said county shall be sufficient

Any debtor obligor guarantor mortgagor and any other person directly or indirectly liable to the petitioner for the payment of the debt and any owner or owners of the property affected thereby who is not named in said petition nor served with a copy thereof or notice of the filing thereof as provided in this section shall be deemed to be discharged from all personal liability to the petitioner of the debt interest and costs but any such failure to name such person in said petition or to serve the petition with notice of the filing thereof shall not prevent proceeding against respondent or respondents named and served

Section 5 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed before the time fixed for hearing No hearing shall be had until the court shall be satisfied that service has been made upon all the respondents in any of the methods herein provided

Section 6 At such hearings the only issue before the court shall be the fair market value of the property sold at the time of said sale and any party in interest may introduce into evidence testimony of such fair market value

If no answer is filed within the time provided for in this act or if an answer is filed which does not controvert the allegation of the fair market value of the property as averred in the petition the court shall determine and fix as the fair market value of the property sold the amount thereof alleged in the petition to be the fair market value

If an answer is filed controverting the averment in the petition as to the fair market value of the property but if testimony is produced at the hearing supporting such denial of the fair market value the court shall determine and fix as the fair market value of the property the amount thereof alleged in the petition to be the fair market value thereupon enter a decree directing the petitioner to file release of the debtors obligors guarantors or any other persons directly or indirectly liable for the debt to the extent of the fair value so fixed whereupon execution may be issued for the balance of the debt

If answer is filed alleging as the fair market value an amount in excess of the fair market value of the property as averred in the petition the plaintiff or plaintiffs may agree to accept as the fair market value of the property the value set up in the answer and in such case may file stipulation releasing the debtors obligors and guarantors and any other persons liable directly or indirectly for the debt and the owners of the property affected thereby from personal liability to the plaintiff to the extent of the fair market value as averred in the answer less the amount of any prior liens costs taxes and municipal claims not discharged by the sale and also less the amount of any sums paid at distribution on the sale If an answer shall be filed and testimony produced setting forth that the fair market value of the property is more than the value stated in the petition the court shall determine and fix the fair market value of the property which shall in no event exceed the amount of the debt interest costs taxes and municipal claims

After the hearing and the determination by the court of the fair market value of the property sold the debtor obligor guarantor and any other person liable directly or indirectly to the plaintiff or plaintiffs for the payment of the debt shall be released and discharged of such liability to the plaintiff to the extent of the fair market value of said property as previously agreed to by the plaintiff or plaintiffs or determined by the court less the amount of all prior liens costs taxes and municipal claims not discharged by the sale and also less the amount of any sums

items paid at the distribution on the sale and shall also be released and discharged of such liability to the extent of any amount by which the sale price less such prior liens costs taxes and municipal claims exceeds the fair market value as agreed to by the plaintiff or plaintiffs or fixed and determined by the court as aforesaid and thereupon petitioner may proceed by appropriate proceedings to collect the balance of the debt

Section 7 The plaintiff or plaintiffs shall file all petitions in accordance with section one and section two of this act not later than six months after the sale of any real property provided however that if the sale occurred prior to the effective date of this act the plaintiff shall file such petition within six months after the effective date of this act In the event no petition is filed within such period the debtor obligor guarantor and any other person liable directly or indirectly to the plaintiff or plaintiffs for the payment of the debt shall be released and discharged on such liability to the plaintiff or plaintiffs

Section 8 Nothing in this act shall be construed to affect present procedure for the public sale of real estate or the private sale thereof under order of court except for the extent herein expressly provided or necessary for the purpose of giving proper effect to the provisions hereof

Section 9 Nothing in this act shall be construed to affect the right of any person liable directly or indirectly for the payment of the debt to the benefit of any amount realized on any execution sale in excess of the fair market value fixed or agreed to in accordance with the provisions of this act and nothing in this act shall be construed to effect a release or discharge of any person otherwise than nor to any greater extent than as herein expressly provided

Section 10 It shall be incompetent for any debtor obligor or guarantor at any time either before or after or at the time of incurring any obligation to waive the benefits of this act or to release any obligee from compliance with the provisions thereof Any such waiver or release shall be absolutely void unenforceable and of no effect

Section 11 The provisions of this act shall be severable and if any section provision or clause thereof shall be held to be unconstitutional the decision so holding shall not be construed to affect or impair any other section provision or clause of this act It is hereby declared as the legislative intent that this act would have been enacted had such unconstitutional section provision or clause not been included therein In the event the provisions of this act as applied to sales of real property held prior to the effective date of this act are held to be unconstitutional it is the intention of the Legislature that this act then apply only to all sales of real property held after the effective date of this act In the event the provisions of this act as applied to obligations created prior to the effective date of this act are held to be unconstitutional it is the intention of the legislature that this act do then apply only to obligations created after the effective date of this act

Section 12 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Will the Senate agree to the report?

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. Mr. President, I am about to make a statement in the form of a point of order, and I am doing that because I really believe something ought to be done concerning reports of committees on conference. Rule No. 20 of the Senate reads as follows: "Every report of a committee of conference shall be printed together

with the bill as amended by the committee, before action shall be had on such report."

When we look at the report of the committee in this case, it does not state whether it is reporting the bill as amended, or as committed, or what changes it has made in the bill.

The PRESIDENT. The point of order of the gentleman from Fayette is not well taken. This matter was discussed with the Chair previously. The printing of the report of the Committee on Conference, its notation on the Calendar, and a copy of the conference report in full being placed on the desk of every Senator, complies with Rule No. 20. If the Senator from Fayette will read Rule No. 20, he will note: "Every report of a committee of conference shall be printed together with the bill as amended by the committee, before action shall be had on such reports."

The Chair is of the opinion that rule has been complied with and therefore the Chair rules the point of order of the gentleman from Fayette is not well taken.

Mr. REED. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Cox.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. COX. I will, Mr. President.

Mr. REED. Mr. President, I desire to ask the gentleman from Allegheny whether in his opinion, as a lawyer, this bill as it now stands ready for passage will be constitutional.

Mr. COX. Mr. President, lacking the years of experience of the Senator who is interrogating me, very humbly, I say in my opinion it is.

I would like to say to the gentleman from Washington this particular bill is not the product of my imagination alone. We have had three other deficiency judgment acts, which have been held to be unconstitutional, and in drafting this bill, of course, we have been guided by the decisions of the Supreme Court and even further than that, this bill went to the Dickinson Law School, and down to Judge Ladner in Philadelphia; we passed it around among all types and manner of persons, for the purpose of getting their advice and we felt the matter of such great importance that we did not want a bill unless it was constitutional.

And the question recurring,

Will the Senate agree to the Report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present same to the House for concurrence.

Mr. COX. Mr. President, perhaps I am out of order, but this bill represents the first piece of liberal legislation that I introduced in the Senate—I should say, Senator Stiefel and myself. I think what has happened to this bill, both in the Senate and the House, is indicative of foresight on the part of the General Assembly of Pennsylvania, which people on the outside never see, that is many things go on behind the scenes in the enactment of legislation; many of the members work hard and pool their ideas and as a joint result of their efforts, legislation reached the floor of the Senate.

I will never forget the first time I was in the Senate. Bills came up, the clerk read several lines of the bill and everybody would say "aye," and I thought that was a funny way to pass legislation.

Mr. President, I want to thank the members of the Senate, all of them, for the fine way in which they have helped me. A number of the gentlemen of the Senate have conferred with me and have offered constructive suggestions too numerous for me to repeat. I feel very proud that the bill received the consideration it did, passing unanimously in the Senate and in the House.

Mr. STIEFEL. Mr. President, I feel it is my duty, in fairness to Senator Cox, to state that he was the main sponsor of this bill, and I contributed very little to it.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 9, entitled:

An Act concerning the permanent recordation of certain births birth certificates the issuance of copies of such certificates and prescribing the procedure therefor enlarging the powers and duties of the Department of Health and the Bureau of Vital Statistics providing for appeals from the action of the Bureau of Vital Statistics to the Orphan's Court and imposing duties and powers on such Orphan's Court.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 30, entitled;

An Act providing for the establishment construction operation and maintenance of a mountain ridge road of parkway in the Pocono Mountains through bordering accessible to the counties of Monroe Northampton Carbon Luzerne Lackawanna Wayne and Pike to be known as the "Rim Parkway" Providing for the creation of the Pennsylvania Parkway Commission and conferring powers and imposing duties on said commission authorizing the issuance of parkway revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such parkway providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the parkway making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such parkway shall become free providing for condemnation granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission conferring powers and imposing duties on the Department of Highways authorizing the issuance of parkway revenue refunding bonds and making an appropriation.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 169, on concurrence in House amendments, entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions county election boards, election officers, municipal officers departments and, bureaus, police officers, courts, judges

prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, further regulating the appointment of employees and assistance by the registration commission and removing the present appointees providing for the consolidation of the second class city general register with the general register of cities of the first class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of street lists, and permitting the destruction of certain records.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 561, entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors and registration commission commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureau police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by amplying and changing the powers and duties of the commission its employees and commissioners further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon providing for appeals by the commission to appellate courts changing certain provisions of said act relating to removal notices providing for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties.

And the amendments made thereto having been printed as required by the Constitution,

Mr. GELTZ. Mr. President, I move that the Senate non-concur in the amendments.

Mr. MILLER. I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,
Becker,
Carr,
Cavalcante,
Chapman,
Crider,
Crowe,
Deitrick,

Ealy,
Edmonds,
Farrell,
Geltz,
Heyburn,
Homsher,
James,
Kephart,

Letzler,
Mallery,
Miller,
Snowden,
Stevenson,
Tallman,
Taylor,

Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Woodward,

NAYS—15

Barr,
Coleman,
Cox,
Dent,

DiSilvestro,
Frey,
Haluska,
Jaspan,

Lanlus,
McCreesh,
McQuiddy,
Reed,

Ruth,
Shapiro,
Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 938, (House Bill No. 49), entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I would like to know the amount of appropriation intended by this bill. It may be \$150,000 or it may be a hundred thousand or three hundred thousand dollars, the way the bill is drawn.

Mr. CHAPMAN. Mr. President, for the information of the gentleman from Philadelphia, the amount of the appropriation is intended to be three hundred thousand dollars.

The PRESIDENT. The Chair understands the Chairman of the Appropriations Committee advises that the amount is intended to be three hundred thousand dollars.

Mr. SHAPIRO. Mr. President, if it is intended to be three hundred thousand dollars I do not think the bill clearly states that. It seems to me the amendment brackets here have not been properly handled, and I do not think you can definitely say whether it is three hundred thousand or a hundred and fifty thousand dollars.

BILL OVER IN ORDER

Mr. CHAPMAN. Mr. President, I ask unanimous consent that Senate Bill No. 938, (House Bill No. 49), on final passage, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1108, (House Bill No. 820), entitled:

An Act to amend section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended exempting from the mercantile license tax so much of the business of manufacturers and mechanics as comprises the vending of goods of their manufacture from their factories and workshops.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. JASPAN. Mr. President, last week I pointed out certain objectionable features of this bill, and the Finance Committee, headed by the gentleman from Delaware, Senator Heyburn, wisely removed those objectionable features. The bill to my mind has been washed very clean, but it does not lay any claim to godliness. I do not want to appear as being captious, but the fact remains, this bill is still loosely drawn. I will ask the Senators to please turn to the title of the act, practically at the bottom, where it reads, as follows, starting with line thirteen on page one: "From their factories." I should think, if anything, it should read "at their factories" to conform with the body of the act.

Let us turn to page three, line two. Here we have "from" again instead of "at." Let us go down to line 25. Here we have the word "at" in the title, and at the top of page 3, the word "from" is used, but at the bottom of page 3 the word "at" is used, which to my mind is correct.

On page 4, line 15, the words "at" is used. What is meant? To my mind the words "at" and "from" are not synonymous, but are quite different, and if it is the intention of the Legislature to exempt from taxation goods manufactured at the plant and sold at the plant, that is one thing, but if it is intended that they manufacture and sell the goods from the plant, to my mind that is another thing; to be taken from that plant and sold elsewhere, when the goods were manufactured at that particular plant. Therefore, Mr. President, I feel that the bill should be amended, on page 1, line 13, and the word "from" should be stricken out, and the word "at" substituted. Also on line 2, page 3, the word "from" should be stricken out, and the word "at" substituted, to make the bill conform in every respect, and not have a loosely drawn bill passed in the Senate. With that in mind, Mr. President, I ask that this bill go over in order. I have not prepared the amendments.

Mr. GELTZ. I object, Mr. President.

Mr. HEYBURN. I object, Mr. President.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, will the gentleman from Allegheny state whether the remarks made by the gentleman from Philadelphia, Mr. Jaspán, are correct or not.

Mr. GELTZ. Mr. President, I do not know whether I understand the question or not. If the gentleman from

Fayette means are the remarks correct insofar as how the title of the bill and the sections of the bill read, the remarks are correct.

Mr. CAVALCANTE. Then, Mr. President, does the gentleman from Allegheny think we ought to pass the bill with that uncertainty contained in the bill?

Mr. GELTZ. Mr. President, I do not agree with the opinion that there is uncertainty. I think a fair interpretation, as indicated by the bill when it came over from the House, is that there was to be exemption for those manufacturing companies of goods sold at their plants or warehouses.

Mr. CAVALCANTE. Then, am I to gather from that statement that the gentleman from Allegheny agrees that the words ought to be "at the manufactories."

Mr. GELTZ. No, Mr. President, I do not agree with that. I say I think the interpretation as it is now is such that it would be considered "at" and I do not see that this causes any difficulty in the bill, because it is explained clearly back in other sections, as stated by Senator Jaspán. I do not see there is any confusion or complication in the bill as it reads now.

Mr. HEYBURN. Mr. President, I think the language of this bill is perfectly clear. In the title it speaks of vending goods manufactured and sold from the factory, which is entirely proper. The gentleman from Philadelphia referred to another section, where it speaks of business transacted at the factory, which again is proper. You would not say "transacted from their factories." It seems to me it is entirely correct in one case to have sales from the factory and in another case to have business transacted at the factories. It is very clear to my mind.

Mr. SHAPIRO. Mr. President, my objections to this bill is on page 3, line 2. I do not understand the way these brackets were used; the words "or production" are not yet removed from the bill.

Mr. HEYBURN. I have before me printers number 1070, and that is what is on the Calendar.

Mr. SHAPIRO. Mr. President, I am getting a side bar explanation but I still do not understand how the words "or production" are taken out of this bill. Either the printers have adopted a new method of taking words out, or they have left these words in.

I am now told that this bill is going over to the House and can be corrected there. I want to be sure that the record shows, in view of the act which the Chair read, that it is the intention of this Legislature that the words on page 3, line 2, "or production" are not to be included in the bill. I so understand from the Chairman of the Finance Committee, and if that is so, the bracket error can be corrected either in the House or by the Secretary.

Mr. KEPHART. Mr. President, I just want to point out that there is no error in these brackets so far as I can see. On page 2, line 3, the words "or production" in the bracket that was inserted before the last brackets were put in, are bracketed out by brackets around the whole business.

Mr. SHAPIRO. Now you have confused me a little bit more.

Mr. KEPHART. The way the bill is now amended, it is in exactly the same form the House sent it to the Senate, with the exception of the enactment clause at the top of page 2.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Barr,	Ealy,	Kephart,	Stevenson,
Bartlett,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Coleman,	Frey,	McCreesh,	Thomas,
Cox,	Geltz,	McQuiddy,	Tyler,
Crider,	Haluska,	Miller,	Wade,
Crowe,	Heyburn,	Ruth,	Watkins,
Deitrick,	Homsher,	Shapiro,	Wilson, H. I.,
Dent,	James,	Snowden,	Wilson, T. B.,
			Woodward,

NAYS—8

Becker,	DiSilvestro,	Lanius,	Stiefel,
Caualcante,	Jaspan,	Reed,	Walker,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1134, (House Bill No. 220), entitled:

An Act to amend section four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" authorizing the Department of Highways to take over structures bridges and viaducts on State highways in cities of the second class A and third class.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF SENATE BILL No. 1134
(HOUSE BILL No. 220)

Mr. BARR. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1134, (House Bill No. 220), passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. BARR. Mr. President, I voted "aye."

Mr. GELTZ. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye."

On the question,

Will the Senate agree to the motion?

Mr. CARR. Mr. President, before a vote is taken on the motion I would like to interrogate the gentleman from Allegheny, Mr. Barr.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BARR. I will, Mr. President.

Mr. CARR. Mr. President, I desire to ask the gentleman from Allegheny the purpose of the motion to reconsider the vote by which this bill passed third reading.

Mr. BARR. Mr. President, when this bill was originally drafted, it was a "shall" bill, and I think for third class cities only. When it came to the Senate it was changed from a "shall" bill to a "may" bill, and amended here to include second class cities, that is, second class "A." It is a "may" bill, and I see no reason why second class cities can not come in with third class and second class "A" cities.

Mr. CARR. Mr. President, I want to ask the gentleman from Allegheny if, at this late hour of the session, he feels that it is the proper thing for the second class city of Pittsburgh to inject itself into a bill which was prepared and sponsored and worked for by continuous labor on the part of those who feel that third class cities need this kind of legislation?

Mr. BARR. Mr. President, may I state to the gentleman from Butler that I do not think it is late in the session. I thought that three weeks ago but I think now it is early in the session.

Mr. BARR. Mr. President, I thank the gentleman from Allegheny, Mr. Barr, and I ask my colleagues to vote against this motion.

Mr. WALKER. Mr. President, I want to assure the gentleman from Butler, Mr. Carr, that this is not an attempt to sell this bill down the river, as we are just as deeply interested in having this bill made available to third class cities as is the gentleman from Butler; but I want also to assure him we think this is good legislation for the people who reside in third class cities, the people who reside in second class cities "A" and for the citizens of Pennsylvania who happen to reside in cities of the second class. Mr. President, the mere insertion of this amendment, inasmuch as it is a "may" bill, as has been suggested by my distinguished colleague, Senator Barr, will not put an additional burden on the Department of Highways. It will merely permit them, if they so desire, to make available the acquisition of bridges in cities of the second class, as well as cities of the second class "A." I feel and I very humbly suggest that a city of the second class, which happens to be the city of Pittsburgh, is still part of the Commonwealth of Pennsylvania and we would like to have that recognized occasionally.

Mr. CAVALCANTE. Mr. President, I think they are now realizing the fact that there are other parts, these provinces, in the Commonwealth of Pennsylvania besides Allegheny and Philadelphia. This bill was introduced as an amendment to the laws pertaining to third class cities. I thought it was a very bad amendment when the gentleman from Lackawanna, Mr. Coleman, introduced his amendment to include second class "A" cities. Now, we

have an amendment that second class cities should be included. I see no logical argument against including also the first class cities. The truth of the matter is this, we people who come from rural districts, when we introduce a bill to take care of a rural condition, these boys from the cities team up and kill it with amendments. Then, whenever the people from the first class cities introduce a bill pertaining only to first class cities, we are sold the argument that we who come from rural districts need not be worried, because the bill applies only to cities of the first class, and then, when the gentleman from Allegheny and his colleagues from Allegheny introduce a bill pertaining to second class cities alone, we representatives from the rural districts are told, "Why, you can go along with this bill because it pertains only to second class cities." We representatives of the rural districts, where all of the third class cities are situated, have introduced a bill that would help the rural districts and now come the representatives of cities of the second class "A" second class, and probably first class will make their appearance pretty, soon, and amend to death a bill that was intended to give help to the rural districts and not cities of the second class, second class "A," or cities of the first class.

Mr. BARR. Mr. President, in Allegheny County we have third class cities, this is not only a rural bill, and when you mention cities of the first class, whether you know it or not, Senator Cavalcante, the city of Philadelphia receives fifteen million dollars a year refund from the gasoline tax, and the city of Pittsburgh does not receive one cent for maintenance.

Mr. MALLERY. Mr. President, I wish to call attention of the Senate to page 4, beginning with line 8, which says:

"But all structures, bridges and viaducts on such state highways in cities of the second class "A" and third class, which are being maintained by the city or county, may be taken over by the Department of Highways upon the effective date of this amendment." Then, Mr. President, the effective date is provided on page 5, line 11, which is July 1, 1941. It seems to me, Mr. President, the bill had better go over for amendment.

And the question recurring,

Will the Senate agree to the motion?

Mr. CARR. Roll call, Mr. President.

(During the calling of the roll the following occurred)

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. The vote of the gentleman from Philadelphia will be so recorded.

Mr. SHAPIRO. Mr. President, I desire to explain my vote. Since the money provided for in this bill comes from the motor license fund, at least to the extent the Department of Highways shall pay for it, and since Philadelphia has a particular interest in the motor license fund and receives a sum of money annually, I have a personal interest in this bill, coming from a first class city, and I have no right to participate in this bill in any way; so I have come to the conclusion I have a personal interest in this bill, and I, therefore, have voted "present."

Mr. BARR. Mr. President, before the vote is announced I want to say to my colleagues that this bill passed the House with second class cities in it, and it was deleted in the Committee of the Senate.

Mr. STIEFEL. Mr. President, having voted under a misapprehension, I desire to change my vote from "no" to "aye."

The PRESIDENT. The vote of the gentleman from Philadelphia will be so recorded.

The yeas and nays were required by Mr. CARR and were as follows, viz:

YEAS—12

Barr,	DiSilvestro,	Jaspan,	Ruth,
Coleman,	Frey,	McCreesh,	Stiefel,
Cox,	Haluska,	McQuiddy,	Walker,

NAYS—32

Bartlett,	Ealy,	Lanius,	Taylor,
Becker,	Edmonds,	Letzler,	Thomas,
Carr,	Farrell,	Mallery,	Tyler,
Cavalcante,	Geltz,	Miller,	Wade,
Chapman,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Wilson, T. B.,
Deitrick,	Kephart,	Tallman,	Woodward,

PRESENT—1

Shapiro,

So the question was determined in the negative.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate bill No. 1142, (House bill No. 723), entitled:

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July, one thousand nine hundred and nineteen

And said bill having been read at length the third time,
and agreed to,

And the amendments made thereto having been printed
as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provi-
sions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the
question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House
of Representatives with information that the Senate has
passed the same with amendment in which the concurrence
of the House is requested.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent
that Senate Bill No. 1210, (House Bill No. 1729), on final
assage, entitled:

An Act to further amend section seven of and to add
section fourteen and one-tenth to the act approved the
seventh day of August one thousand nine hundred and
thirty-six (P. L. 106) entitled as amended "An act relat-
ing to flood control prescribing the powers and duties of
the Water and Power Resources Board of the Department
of Forests and Waters in relation to the creation of flood
control districts adoption of plans for flood control works
and improvements carrying into effect of such plans as-
sistance aid and cooperation with public and private agen-
cies and the Federal Government in Federal flood control
works and improvements and entering into compacts and
agreements with other states for flood control works and
improvements conferring the power of eminent domain
providing for the setting off of benefits imposing certain
charges upon the Commonwealth providing for appeals
and conferring certain powers on municipalities counties
and townships and the Department of Highways" prohib-
iting the construction maintenance or operation of facilities,
works and improvements for the generation of develop-
ment of power and authorizing the Secretary of Highways
and the various political subdivisions with the approval
of the Water and Power Resources Board to grant ease-
ments and flowage rights to the Federal Government over
certain highways roads streets bridges and adjacent lands.

over in its order.

The PRESIDENT. Is there objection? The Chair hears
none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and considera-
tion of Senate Bill No. 1281, entitled:

A Joint Resolution proposing an amendment to Article
one of the Constitution of the Commonwealth of Penn-
sylvania.

And said bill having been read at length the third time,
And the amendments made thereto having been printed
as required by the Constitution,

On the question,

RECONSIDERATION OF SENATE BILL NO. 1281

Mr. WOODWARD. Mr. President, I move that the Sen-
ate do now reconsider the vote by which Senate Bill No.
1281, passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. WOODWARD. Mr. President, I voted "aye"

Mr. MILLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WOODWARD. Mr. President, I ask unanimous con-
sent to.

Amend Section 20, page 1, lines nine and ten by striking
out after the word "Commonwealth" and before the word
"is" the following: "and every political subdivision there-
of"; Amend Section 20, page 2, lines three and four, by
striking out after the word "Commonwealth" and before
the word "as" the following: "or the political subdivisions
thereof."

The PRESIDENT. Is there objection? The Chair hears
none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as
amended?

It was agreed to.

Ordered, That said bill as amended be printed for the
use of the Senate.

Agreeably to order,

The Senate resumed the third reading and consideration
of Senate Bill No. 1297, entitled:

An Act to validate and quiet the title to real estate in
this Commonwealth conveyed to any person, partnership
or corporation authorized to hold such real estate by any
alderman, justice of the peace or magistrate, where such
alderman, justice of the peace or magistrate has made
acknowledgement of such conveyance before himself and
is now deceased.

And said bill having been read at length the third time,
and agreed to,

And the amendments made thereto having been printed
as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provi-
sions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Detrick,	Jaspan,	Stevenson,	Woodward,
Dent,	Kephart,		

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 178, as follows:

An Act to amend paragraph four of subsection (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by validating deeds heretofore accepted by fiduciaries holding mortgages in certain cases.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph four of subsection (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of

actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as added to said act by the act approved the fifth day of May one thousand nine hundred and thirty-nine (P. L. 99) is hereby amended to read as follows

Section 41 (a)

* * * * *

4 Acceptance of Deeds in Lieu of Foreclosures In all cases where fiduciaries may hold in their hands any mortgage or mortgages they may accept from the owners of the mortgaged property a deed or deeds in lieu of foreclosure of such mortgage or mortgages with the same effect as to the maintenance of the fiction of personality to the same extent as though title were acquired by foreclosure and purchase by such fiduciary at sheriff's sale Any such deed or deeds heretofore so accepted are hereby made valid in accordance with the provisions hereof Provided That the deed or deeds so made hereafter shall recite that such deed is made to save the cost of foreclosure under the terms of this act And provided further That nothing in this act shall relieve such fiduciaries from responsibility for their acts as in other cases

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Japan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 257, as follows:

An Act making an appropriation to the Nursing School of the University of Pittsburgh Pittsburgh Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand dollars (\$50,000) or as much thereof as may be necessary is hereby appropriated to the Nursing School of the University of Pitts-

burgh Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of maintenance to be paid according to law

And said bill having been read at length the third time, and agreed to,
On the question,
Shall the bill pass finally?
The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel.
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.
Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,
The Senate proceeded to the third reading and consideration of Senate Bill No. 258, as follows:

An Act making an appropriation to the Medical School of the University of Pittsburgh Pittsburgh Pennsylvania
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thousand dollars (\$100,000) or as much thereof as may be necessary is hereby appropriated to the Medical School of the University of Pittsburgh Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of maintenance to be paid according to law

And said bill having been read at length the third time, and agreed to,
On the question,
Shall the bill pass finally?
The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Lanius,	Stiefel.
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Deitrick,	Jaspan,	Stevenson,	Woodward,
Dent,	Kephart,		

NAYS—1

Shapiro,
A majority of all the Senators having voted "aye" the question was determined in the affirmative.
Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,
The Senate proceeded to the third reading and consideration of Senate Bill No. 532, (House Bill No. 550), as follows:

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (Pamphlet Laws 9) entitled "An act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 9) entitled "An act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof" is hereby repealed

And said bill having been read at length the third time, and agreed to,
On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanius,	Stiefel.
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Chapman,	Frey,	McCreesh,	Thomas,
Coleman,	Geltz,	McQuiddy,	Tyler,
Cox,	Haluska,	Miller,	Walker,
Crider,	Heyburn,	Mundy,	Watkins,
Crowe,	Homsher,	Ruth,	Wilson, H. I.,
Deitrick,	James,	Shapiro,	Wilson, T. B.,
Dent,	Jaspan,	Snowden,	

NAYS—4

Cavalcante,	Reed,	Wade,	Woodward
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A majority of all the Senators having voted "aye" the question was determined in the affirmative.
Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. CAVALCANTE. Mr. President, I desire to explain my vote "no." This bill repeals the existing law that prohibits women from acting as bar maids. We also have another bill some place that permits them to work in these beer gardens or these restaurants or saloons as bar maids, and other dives also, and would sooner see a woman employed somewhere else than in these dives along these highways and in all dark corners of the Commonwealth.

Mr. President, I would not object to any bill that would permit the employment of a bar maid in a hotel where it is open and public and where everybody can see, but I am opposed to these places out in the country where people go, not for the purpose of eating at a restaurant, a bona-fide restaurant, but who go there for other purposes than the purpose of eating and drinking.

Mr. WOODWARD. Mr. President, I desire to explain my vote "no" on this bill, because if I do not explain it nobody will know I voted "no," but it does not make any difference. My objection to this bill is that in the secrecy of the Republican caucus, I do not know how much time but a long time was occupied in trying to make every member of the Caucus understand whether it was a daughter of the landlord or whether it was the wife of the land-

lord who could mix drinks behind the bar, and whether the wife of the landlord could bring the drinks to the table or the daughter of the landlord could mix drinks and serve them at the table. My thesis is that if the Liquor Control Board is not qualified and empowered to regulate those things, they ought to be given that power and they ought not take up our very statesmanlike time in trying to decide between the daughter of the landlord and the wife of the landlord, and I object to that.

Mr. SHAPIRO. That is another bill, Mr. President.

Mr. WOODWARD. Then, Mr. President, my remarks may be construed to apply to that bill.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 700, (House Bill No. 99), on third reading, entitled:

An Act to amend sections one and two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting certain clubs from such limitation and by providing that retail dispenser's licenses may be exchanged or surrendered for liquor licenses without violating the limits upon the number of licenses imposed by such act; and authorizing the Pennsylvania Liquor Control Board to effect such exchange or substitution upon compliance with certain conditions.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 767, (House Bill No. 1095), as follows:

An Act to further amend section six of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the county of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the county of Allegheny and prescribing the powers and duties regulating the procedure therein and providing for the expenses thereof" is hereby further amended by adding thereto a new clause to read as follows

Section 6 The court hereby created shall have jurisdiction

(f) In all such civil actions as may be transferred to it by order of the Court of Common Pleas of Allegheny County upon consent of counsel for all parties where the sum demanded or the value of the property replevied does not exceed the sum of twenty-five hundred dollars except in cases where the title to lands or tenements may come in question.

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. COX. Mr. President, early in the week, three members of the legal profession from Allegheny County attempted to solve a very, very grave problem. Strange to say, or perhaps it is not strange to say, all three members of the legal profession from Allegheny County are absolutely in disagreement. One of the Senators feels that the County Court of Allegheny County should be abolished and for that reason he has started to abolish it by a bill restricting the number of judges from six to four. This particular bill has been emasculated; I think whoever amended it realized that when he did it and now it is not of importance whether the bill passes or whether it fails, because there must be a change of thought on the part of members of the bar of Allegheny County before this bill can accomplish the purpose for which it was introduced, namely, to permit the Common Pleas Court to relieve itself of its very heavy burden by certifying certain cases within the jurisdiction of the county court to the county court.

I could not let this bill come up without adding these remarks to the debate which occurred previously.

Mr. CAVALCANTE. Mr. President, I wish to agree with the gentleman from Allegheny, Mr. Cox, that the three representatives from Allegheny County, who are also members of the bar, are very much in disagreement, and I also agree with him that it is going to take a considerable change in attitude of mind in order to do the right thing. All three seem to agree that one of the grievous things in Allegheny County is that the judges waste too much time with political campaigns, but yesterday, when they had the opportunity to meet that question they voted just the other way in order to add further to the confusion he is talking about.

Mr. WALKER. Mr. President, I have no objection to being in disagreement with my colleagues from Allegheny County, but I do object to the gentleman from Fayette putting words into the mouths of the representatives from Allegheny County.

Answering the remarks of the gentleman from Fayette, Mr. President, I do not agree that our judges spend too much time in politics. It seems to me there is misconception, at least there is insofar as my own personal conclusions are concerned, as to what the prerogatives and the rights of a judge are. A judge is not annointed by God, he is elected by the people, and when he stays out of politics and sits on the bench and goes home every night and ceases attending political meetings, nine years later, when he comes up for re-election, every Republican County Chairman and every Republican committeeman says, "Where have you been for the last nine years; you have not been much help to us while you were on the bench," and he has a hard time getting re-elected.

I want to say, Mr. President, I have no objection to any judge staying in politics, the opinion of the gentleman from Fayette to the contrary notwithstanding; that is how they got elected. They are supposed to be leaders in the

community and they should help to crystalize public opinion on public matters, and not bury their talents.

I also want to say to the gentleman from Fayette that when we have a difference of opinion in Allegheny County it is for the common good.

Mr. COX. Mr. President, I want to vote for this bill, and if my colleague from Allegheny, Senator Geltz, will permit the amendment, I want to say once again we will be in perfect accord, as we have been through most of this session.

I feel I have the right and a duty to answer the Senator from Fayette. I did not make any comments on the floor of the Senate when this bill came up, because I did not think it was necessary, but now that the gentleman has endeavored to put the three of us from Allegheny County on the spot, I would like to very briefly say that in this Senate we have had bills introduced which would revive the old fifty cent voting certificates, which, of course, was introduced for the purpose of limiting the number of people who would vote; we have had all sorts of measures introduced, but fortunately, thanks to the good sense of a number of the committee chairmen, the bills never reached the floor of the Senate.

We need more people in the United States who are sincerely interested in their government. The word "politics" is not a bad word, it is a good word, and the fact that some people make it a bad word is not indicative of the fact that that is true of every one who is interested in politics. Take for instance, a man who has served on the bench for ten years; he is dealing with economical, social and psychological problems, he is in a position of leadership, and that leadership I know from my own experience with many judges has been very excellent and very fine.

I also object to the Hatch act provisions which unfortunately are placed in our civil service legislation. Again you are taking thousands of people and you are saying to them, "You are working for the Commonwealth, you are working for the federal government, and for that reason you can not have any interest in what your Legislature does or who the candidates for office are." That sort of thing is the very kind of thing that in the end will seriously undermine our Democratic form of government.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler.	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman.
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Shapiro,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Wilson T. B.,
Detrick,	Kephart,	Stevenson,	Woodward.
Dent,	Lanlus,		

NAYS—1

Haluska,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 783, entitled:

An Act to further amend the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463) entitled as amended "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by changing the method by which notice of the formation of a municipal authority shall be made public further regulating incorporation purposes and existence of the authority defining procedure whereby an authority can enter into contracts and dispose of its bonds imposing additional qualifications and duties on members of the authority imposing civil liability on members of the board and officers of an authority in certain cases requiring annual audits imposing additional duties on the court of common pleas giving authorities right of eminent domain in certain cases extending with certain limitations the power of Authorities to make certain purchases requiring authorities in certain cases to secure certificates of public convenience from the Public Utility Commission imposing duties upon said commission and providing for appeals requiring the filing of financial reports by authorities with and the approval of bond issues by the Department of Internal Affairs and conferring powers and imposing duties upon said department restricting the appointment of members of authorities and limiting their salaries and providing for the voluntary dissolution of authorities.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, I ask unanimous consent to offer amendments. In explanation I might state these are the amendments I endeavored to offer yesterday but which were incorrect.

The Clerk read the Amendments as follows:

Amend Sec. 1, page 5, by inserting between lines 15 and 14 the following: "(1) the term 'service area' shall mean the municipality or municipalities within the corporate limits of which equipment and facilities are operated or intended to be operated for the accommodation, convenience and service of the public"; Amend Sec. 2, page 11, line 9, by striking out after the word "as" the following: "leasee" and inserting in lieu thereof: "lessee"; Amend Sec. 2, page 15, line 10, by striking out after the word "any" the following: "project" and inserting in lieu thereof: "utility"; Amend Sec. 2, page 17, line 22, by striking out the lightfaced brackets before and after the word "forty" at the end of the line; Amend Sec. 2, page 17, line 23, by striking out the word "thirty" at the beginning of the line; Amend Sec. 2, page 21, line 6, by striking out

with light-faced brackets the word "or" after the word "deed" and inserting in lieu thereof: "of"; Amend Sec. 3, page 23, line 22, by inserting after the word "rendered" the following: "or intended to be rendered"; Amend Sec. 3, page 24, line 2, by striking out the following "any one" and inserting in lieu thereof: "such"; Amend Sec. 3, page 23, line 26, by inserting after the word "to" the following: "one"; Amend Sec. 3, page 24, line 18, by inserting after the word "Authority" the following: "and in all existing Authorities after the present terms of the members has expired, the provisions of this act shall apply"; Amend Sec. 3, page 25, line 2, by striking out the word "qualification" and inserting in lieu thereof: "disqualification."

On the question,

Will the Senate agree to the amendments?

Mr. WALKER. Mr. President, I should like to interrogate the gentleman from Montgomery as to the amendments on page 5. I personally am still confused as to the proper reading of those sections on page 5 of the bill, and inasmuch as I am listed as a co-sponsor, I want to be certain as to what is in the bill. For that reason, Mr. President, I desire to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. WALKER. Mr. President, I desire to ask the Senator from Montgomery if he will have the reading clerk read the amendment that was inserted on page 5, and I would like to direct the gentleman's attention to the fact that on line 14, page 5, there is a bold-face bracket before the numeral (1), and according to the way I understood the reading of the amendment, there was also the numeral (1) inserted after the word "municipality" on line 13. I would like to have that clear. I should also like to inquire if the bracket before the word "shall" on line 14, and the bracket at the end of the word "public" on line 17 are to remain in the bill, and if they are, I would like to also ask the gentleman if the bracket at the bottom of the page, at the end of line 29, is to remain in the bill.

Mr. EDMONDS. May I say to the gentleman from Allegheny that is what caused the trouble yesterday. All of these two paragraphs are bracketed out; they are bracketed out by the first bracket before it and the last bracket at the end of the page, and, I think, the lines at the top of the next page, and in place of this there is a new definition of "service area".

The PRESIDENT. Will the clerk read the amendment referred to on page 5.

The Clerk again read the amendment.

Mr. WALKER. Mr. President, is there another amendment following that on page 5? I desire to further interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be further interrogated?

Mr. EDMONDS. I will, Mr. President.

Mr. WALKER. Mr. President, I desire to direct the gentleman's attention to line 14, in which there are two left-hand brackets appearing on that line in bold-face type, I would like to ask the gentleman what those two brackets do.

Mr. EDMONDS. The second bracket came out by one of the original amendments made by someone, but the

first bracket strikes out those entire two paragraphs. If the gentleman will read them he will discover that the idea of "service area" seemed to be places where there were facilities and we wanted "service area" to mean places where service was rendered or intended to be rendered, so we substituted our new definition.

Mr. WALKER. My interrogation is directed particularly to the brackets that are placed in paragraph one, beginning with line 14, page 5, from there on.

Mr. EDMONDS. Mr. President, the whole of those paragraphs are out; lines 14 to 29, inclusive, are out, and also the first two lines I think on the next page; they are all out. They are bracketed out by the first bracket and the last bracket, and they carry with them the other two brackets, and in place of that comes this new definition of "service area".

I think there are still some amendments the Clerk has not read.

The Clerk again read the amendments.

Mr. COLEMAN. Mr. President, to go back to page 5, there is purely a technical error, but I think we ought to have no misunderstanding. The gentleman from Allegheny was referring to the amendment inserted on page 5, after line 13, between lines 13 and 14, and referred to the numeral "1". When the gentleman from Allegheny referred to the "1", am I correct that he should have referred to the letter "L". Am I correct, Senator Edmonds, that it should be the letter "L" instead of numeral "1".

Mr. EDMONDS. The gentleman from Lackawanna is correct. It is intended to be the letter "L" instead of the numeral "1". It was misread.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 909, as follows:

An Act to further amend section two hundred twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the appointment of minute clerks in certain courts in counties of the third class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (P. L. 361) is hereby further amended to read as follows

Section 227 In Counties of the Second and Third Class Appointment of Minute Clerks by the Courts of Common Pleas and Courts of Quarter Sessions and Oyer and Terminer In counties of the second and third class the court of common pleas and the court of quarter sessions and

oyer and terminer shall respectively appoint minute clerks of said courts. Such clerks shall receive such salaries as the court making their appointment may fix and shall give bond in such sum as the respective courts may direct. This act shall not affect the power of the prothonotary of Allegheny County to appoint clerks of the county court for the County of Allegheny under the provisions of section five of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the county of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for expenses thereof" or its amendments.

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. COLEMAN. Mr. President, I desire to interrogate the gentleman from Luzerne, Mr. Miller.

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MILLER. I will, Mr. President.

Mr. COLEMAN. Mr. President, I desire to ask the gentleman from Luzerne whether or not, under the terms of this bill, the judges of the Court of Common Pleas in third class counties do not have unlimited authority to appoint any number of clerks.

Mr. MILLER. I do not believe that is correct, Mr. President; I am not certain as to that statement.

Mr. COLEMAN. Mr. President, I desire to read a portion of the bill which has very forcibly directed my attention to the fact that they can appoint any number they desire. The bill reads:

"In counties of the second and third class Appointment of Minute Clerks by the Courts of common pleas and courts of quarter sessions and oyer and terminer. In counties of the second and third class, the court of common pleas and the court of quarter sessions and oyer and terminer shall respectively appoint minute clerks of said courts. Such clerks shall receive such salaries as the court making their appointment may fix and shall give bond in such sum as the respective courts may direct."

Mr. President, I desire to inquire of the gentleman from Luzerne whether that indicates they could appoint any number of them, without limit.

Mr. MILLER. Mr. President, I might say the bill was sponsored by myself to promote efficiency in the handling of court work. In the County of Luzerne minute clerks are appointed by the prothonotary of that particular county, and I am definitely of the opinion those particular appointments should be made by a court of the particular county. I do not believe the court has any discretion in the appointment of these minute clerks. I might say, in certain counties, minute clerks are appointed by the prothonotary subject to approval of the court, but that is not the case in my particular county.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,
Becker,

Edmonds,
Farrell,

Mallery,
Miller,

Tyler,
Wade,

Carr,
Chapman,
Crider,
Crowe,
Deltrick,
Ealy,

Geltz,
Heyburn,
Homsher,
James,
Kephart,
Letzler,

Snowden,
Stevenson,
Tallman,
Taylor,
Thomas,

Walker,
Watkins,
Wilson, H. L.,
Wilson, T. B.,
Woodward,

NAYS—14

Cavalcante,
Coleman,
Cox,
Dent

Frey,
Haluska,
Jaspan,
Lanius,

McCreesh,
McQuiddy,
Reed,

Ruth,
Shapiro,
Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 932, on third reading, entitled:

An Act to further amend section eight hundred and six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State Government; providing for the settlement assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by changing and restricting the right of the Commonwealth to impose interest on unpaid tax and bonus when such tax and bonus are not settled within a certain period of time.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 933, on third reading, entitled:

An Act to further amend clause (a) of section five hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies

thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of 'the Commonwealth,' further regulating refunds

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 940, (House Bill No. 266), on third reading, entitled:

An Act making an appropriation to the Glen Mills School situate in Delaware County, Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 946, (House Bill No. 301), on third reading, entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 954, (House Bill No. 371), on third reading, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 956, (House Bill No. 489), on third reading, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School of Medicine

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1043, (House Bill No. 571), on third reading, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Depart-

ment of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RESOLUTION

REQUIRING INFORMATION FROM SECRETARY OF DEPARTMENT OF PUBLIC ASSISTANCE

Mr. HALUSKA. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA offered the following resolution which was twice read:

In the Senate, July 1, 1941.

Whereas, There has been introduced in the Senate of Pennsylvania, Resolution Serial No. 118, by Messrs, Haluska and Wade, and

Whereas, Such Resolution was adopted by this body on April 2, 1941, and

Whereas, This Resolution was concurred in by the House on April 15, and a copy of this Resolution was transmitted to the Secretary of the Department of Public Assistance by the Secretary of the Senate, and,

Whereas, It is apparent that the Department of Public Assistance has not enforced the contents of the above mentioned Resolution within their rules and regulations covering the granting of public assistance under certain conditions, therefore be it

Resolved, That the Secretary of the Department of Public Assistance report to the Senate by not later than July 7, 1941, his conclusions as to whether or not the contents of Resolution No. 118 will be carried out.

MOTION TO SUSPEND RULE 39

Mr. HALUSKA. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, I did not intend to object to immediate consideration of this resolution, but I think it is necessary that I do so, because of some of the whereas clauses. I am not certain the Senators would want to vote on this resolution until they have had an opportunity to study it. Therefore, Mr. President, I do object to immediate consideration.

MOTION TO PROCEED WITH CONSIDERATION OF CALENDAR

Mr. GELTZ. Mr. President, I move that we proceed with consideration of the Calendar.

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

Mr. GELTZ. Mr. President, I do not know whether my motion was in order or not, but I moved that we now proceed with consideration of the Calendar.

The PRESIDENT. The motion of the gentleman from Allegheny was in order but the Chair did not hear a seconding of the motion.

Will the gentleman from Allegheny permit himself to be interrogated as requested by the gentleman from Cambria.

Mr. GELTZ. I will, Mr. President.

Mr. HALUSKA. Mr. President, will the gentleman from Allegheny tell us just what he objects to in that resolution.

Mr. GELTZ. Mr. President, I would like an opportunity to examine it. I think I recall some wording to the effect "whereas it is apparent that the Department of Public Assistance has not complied" with a certain resolution, and I am not certain we want to go on record as saying that is a fact.

Mr. HALUSKA. Mr. President, I certainly thought the resolution would meet with no objection, but I am willing to strike out any objectionable features they would want. All I want is that we have the report here by Monday. I am willing to strike that section out, if there is objection to it.

Mr. GELTZ. Mr. President, that is the reason for objecting to immediate consideration, so that the wording can be corrected and a proper resolution be passed.

The PRESIDENT. There has been objection to immediate consideration of the resolution, which will therefore be referred to the Committee on Welfare, Public Assistance and Pensions.

Mr. HALUSKA. Mr. President, I desire to withdraw that resolution and rewrite it so that it may meet with the approval of the gentleman from Allegheny, so that we might pass upon it today. I will be too happy to have it rewritten as the gentleman desires.

RESOLUTION WITHDRAWN

Mr. HALUSKA. Mr. President, at this time I ask permission to withdraw the resolution.

The PRESIDENT. The Chair is unable to grant the request of the gentleman from Cambria, as it has already been referred to the Committee of Welfare, Public Assistance and Pensions. Only by the consent of the Senate can the request of the gentleman from Cambria be granted.

Mr. HALUSKA. I request such consent, Mr. President.

The PRESIDENT. Is there objection to the request of the gentleman from Cambria that he be granted permission to withdraw the resolution? The Chair hears none.

The resolution is withdrawn.

CONSIDERATION OF CALENDAR

Mr. GELTZ. Mr. President, I move that we continue with consideration of the Calendar.

Mr. FARRELL. I second the motion, Mr. President.
It was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1071, (House Bill No. 1380), entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and pro-

viding for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. WADE. Mr. President, I hesitate to take up the time of this Senate to say a word against this bill, because the hour is getting late, and my colleague from Dauphin County and I have such a long way to travel home.

However, Mr. President, I desire to call attention to the fact that this is an amendment to the public school employes retirement system. That system is predicated upon a principle which in substance is that if an employe will save a certain portion of his or her salary, the state will match that portion, and they will have a retirement fund when old age comes on that will be sufficient, or at least partly sufficient, to take care of them for life. A second principle involved in the general law is that the state guarantees the entire fund.

This bill, in substance, from information we have, affects employes who are employed by the Philadelphia Board of Education, and the reason for the bill is that Philadelphia, on account of necessity, reduced the salaries of their teachers, I think the amount was ten per cent. This bill would enable them to contribute either on the basis of their earnings before the reduction was made or on their present basis.

I say to the members of this Senate in opposing this bill that the proper way to approach the question of the foundation of the principle of a retirement system, the proper way to approach a subject of that kind, if Philadelphia is so much interested in having its employes retire on a high plane, or a high basis, is that they should return to the teachers or the employes their original salary, rather than give them an advantage over other employes throughout the state.

Therefore, Mr. President, I ask my colleagues to oppose this measure.

Mr. DENT. Mr. President, the question that arises in my mind concerns that section of the act which says the state must contribute an equal amount, which is the present law. Now, if employes received a twenty per cent reduction, and now under this bill it enables them to come in under the highest possible earnings that they could have had in that particular year or group of years, by paying a certain amount themselves to make up the difference between what they received and what they could have received, is it entirely fair to say that the state must also contribute on the basis of what they could have received? That is the point I question, whether or not this is a very sound piece of legislation.

All of us had to take salary cuts during the years of depression, we all were in the same boat, and there was nothing we could do about it; we just had to live through it, that is all and go along on the proposition.

Mr. President, I am not so sure this is very sound legislation, when we say the state must contribute on the basis of highest possible earnings that a person might have received during that period from 1932 to 1939, and I think you will find it will increase very much the amount the state has to contribute to the retirement pension fund. I still can not see the logic of saying Philadelphia teachers alone ought to be the ones that ought to get the benefit of such a benevolent attitude on the part of the Senate and the House. If we are going to do it, let us do it for all the teachers of the state.

Therefore, Mr. President, I quite agree with my colleague from Cumberland, Mr. Wade, and will vote against the bill.

Mr. HOMSHER. Mr. President, I think every member of the General Assembly has a vital interest in keeping the teachers retirement fund intact, and making sure that no legislation be passed which will adversely affect the fund. This bill will not adversely affect the retirement fund. The matter has been gone over most carefully with the actuary for the retirement fund and he has approved passage of this bill, because it will not affect the fund.

This bill, Mr. President, is principally designed to take care of seventy-five teachers in the City of Philadelphia. During the 1932 school year, teachers in the elementary grades were reduced from \$2,400 to \$2,200 in salary. Most of the teachers at that time continued to pay into the fund on the \$2,400 basis, and have continued since that time to pay on the \$2,400 basis. Some teachers did not understand they could do that and consequently only paid into the retirement fund on a \$2,200 basis. The effect of this bill is that it will cost the City of Philadelphia and the State of Pennsylvania four dollars per year, for payments to the fund during the years that these teachers received the reduced salary. If these teachers retire in later years, their annuity will be increased one hundred dollars.

Mr. President, the school board of Philadelphia is very desirous that these teachers be taken care of, and they can not legally contribute the whole amount, the teacher must contribute his or her part and the State can not now contribute its part.

Mr. President, I think this is good legislation, because these teachers simply acted under a misapprehension when they did not pay on the \$2,400 basis for those years. They are given a certain number of years to make up those payments, and if they do not make them up, of course, they do not receive the additional annuity in case they retire. They are given until 1942 to make up these back payments.

Mr. SHAPIRO. Mr. President, I should like to interrogate the gentleman from Lancaster, for the purpose of making clear one point.

The PRESIDENT. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. HOMSHER. I will, Mr. President.

Mr. SHAPIRO. Mr. President, is it not true that which we are now doing was previously the law? In other words, did not the teachers have the right to contribute on the basis of their actual earnings.

Mr. HOMSHER. They did have that right at that time,

Mr. President, but they forfeited that right by not acting and this gives them a retroactive right to make those payments.

Mr. SHAPIRO. And the only purpose of this amendment Mr. President, is to give those seventy-five teachers, who misunderstood their right to pay in an additional sum, the same rights as all the other teachers have in Philadelphia.

Mr. HOMSHER. That is correct, Mr. President.

Mr. SHAPIRO. At a cost of around \$300 a year for each year during which this right was lost?

Mr. HOMSHER. That is correct, Mr. President.

Mr. WADE. Mr. President, I should like to answer the gentleman from Lancaster, when he said there had been unfairness in the statements by the gentleman from Westmoreland and myself, that this would affect the entire school employees retirement system. I do not believe that is correct; in fact, it would have no effect so far as solvency is concerned.

Mr. President, that fund has some \$190,000,000 in it, and I think a good bit of that should be lapsed back to the Commonwealth—possibly not a good bit, but a portion of it—so long as we have a law in the State of Pennsylvania, which says: "Regular interest charges payable, the creation and maintenance of reserves in the contingent reserve fund, and the maintenance of employees' annuity reserves and state annuity reserves as provided for in this act, and the payment of all retirement allowances and other benefits granted by the retirement board under the provisions of this act, are hereby made obligations of the Commonwealth of Pennsylvania," with that we know that the fund is all right and sound. However, the question at issue now is the disturbance of the equilibrium or balance created by the original act or intended by the original act, to keep it on a level plane all the way through, and let the teachers contribute in proportion to the amount contributed by the state or in direct proportion to the salary they actually received.

If we are going to throw that principle to the winds and disturb the balance of the fund, there is just no place to stop. There is no reason to say this will affect only seventy-five teachers. I say to you, members of the Senate, we do not know how many teachers it will affect, unless we make a survey and find out how many teachers were reduced in salary during the last ten years in Pennsylvania.

Yesterday we had a discussion with the actuary of the State Employees Retirement Fund and found that while possibly only three or four hundred employees were affected, yet a single premium necessary to now re-establish that fund will be about four or five hundred dollars, which would create a tremendous additional obligation on the Commonwealth. Then again, let me remind you that when this fund was first established it required a direct contribution not payable at one time, but a direct contribution of \$61,000,000 to set up the fund.

Therefore, Mr. President, I say keep the fund sound, and secondly, keep intact the principle as originally adopted, and do not disturb it by throwing it off balance.

Mr. DENT. Mr. President, I believe when important bills like this come before us we should try to take into consideration the many angles and try to be fair.

I ask the Senators who intend to vote for this bill whether they in turn next week would vote for a bill, we will say, for a laborer, who during the years of the depression had his wages reduced, or his earnings reduced anywhere

from twenty to forty per cent, because of his inability to get the number of hours of work, or else a regular wage reduction. Would you accept the principle next week of saying to the employers of Pennsylvania that if you contribute to the Social Security Board for a retirement pension, an individual social security pension, or an old age pension, would you say to them now we should establish a principle where an employe can say: "in 1935, if I had been working full time I could have earned two thousand dollars, whereas actually my earnings were only about nine hundred dollars; however, I want to increase the benefits that I shall receive when I come to the age of retirement, the actual benefits that I would receive from unemployment compensation if I had been able to pay on the basis of my full wage or my full salary, and therefore I want to come into the Legislature and ask permission to pay on the basis of what I might have earned or could have earned if I had worked full time."

Mr. President, I think you are establishing a principle here that you have got to be willing to carry further. You can not say that school teachers ought to be allowed to retire on the basis of what he or she could have earned, and then say to the common employe in industry, they can not retire on the basis of what they could have earned; but say to such an employe "you are a victim of the depression; you can only get that amount which you in turn paid into the fund."

Mr. President, I think this is very unsound legislation, unless you are willing to go the whole way and take care of everybody on the same basis.

Mr. EALY. Mr. President, we have on our Calendar a whole series of bills which I might call personal bills, for persons who desire to get in under the retirement system. We passed one of those bills today, which cut down the number of years of service from fifteen to fourteen. It was said that bill would only permit one or two persons to get a pension under the retirement system, but that might mean we would give pensions to one, two, three, four or half a dozen persons who were not heretofore entitled to pensions. It was purely and simply a personal bill for those few persons, and we really should not have passed that bill.

This is another bill of that character. It is said it affects only a few teachers in Philadelphia but I do not concede that is the case. If I recall rightly, in my own county in some of our school districts, the teachers were reduced in salary during the years of depression, and I do not know how much this would require the school boards of those districts to make up, to pay into this fund. Then, also, the state will have to go back to those years and pay in a certain amount of money in order to make the fund solvent. My information is that at the present time the State of Pennsylvania owes both the employes retirement fund and the school teachers retirement fund a number of millions of dollars, nine million dollars or more, which will be required to pay out the amounts which will be required under these acts. We do not need that money immediately, because under the ordinary course of events it will not all be demanded, but in order to make that fund actuarially sound the State of Pennsylvania owes a considerable number of millions of dollars.

I think the principle of this bill is wrong, as the Senator from Cumberland has said. There was a provision in the act originally governing those persons up to

September, 1935, to make this election. Now it is changed to 1942, and next session you will want to change it to another year, and say you want to permit certain other teachers to have that advantage. Why, now, there are fifty or seventy-five teachers, whatever it might be, who would come in under this provision, and every time we pass one of these bills permitting someone who did not take advantage of his rights when he should have, to come in now and make contributions for previous years we are putting an additional obligation on the State and the school districts.

I think the bill is wrong in principle even if it only takes a hundred dollars out of the state.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—15

Becker,	Farrell,	Jaspan,	Shapiro,
Cox,	Geltz,	Kephart,	Stiefel,
Deltrick,	Homsher,	McCreesh,	Watkins,
Edmonds,	James,	Ruth,	

NAYS—28

Bartlett,	Ealy,	Miller,	Thomas,
Carr,	Haluska,	Mundy,	Tyler,
Cavalcante,	Heyburn,	Reed,	Wade,
Chapman,	Lanlus,	Snowden,	Walker,
Coleman,	Eetzler,	Stevenson,	Wilson, H. I.,
Crider,	Mallery,	Tallman,	Wilson, T. B.,
Dent,	McQuiddy,	Taylor,	Woodward,

Less than a constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

RECALLING SENATE BILL No. 303 FROM THE GOVERNOR

Mr. GELTZ offered the following resolution which was twice read, considered and agreed to:

In the Senate, July 1, 1941.

Resolved (if the House of Representatives concur), That Senate Bill No. 303, Printer's No. 264, entitled "An act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways,"

be recalled from the Governor for further consideration.

Ordred, That the Clerk present the same to the House of Representatives for concurrence.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I understand this is the forerunner of a number of resolutions to recall bills from the Governor's desk, is that correct?

Mr. GELTZ. That is correct, Mr. President.

Mr. SHAPIRO. Is that because the Governor is in Boston and we want to give him time enough to veto these bills?

Mr. GELTZ. I do not believe the tea party has anything to do with it, Mr. President.

Mr. SHAPIRO. I wanted to be sure of that.

RECALLING SENATE BILL No. 213 FROM THE GOVERNOR

Messrs. EDMONDS and RUTH offered the following resolution which was twice read, considered and agreed to:

In the Senate, July 1, 1941.

Resolved (if the House of Representatives concur), that Senate Bill No. 213, Printer's No. 297, entitled "An act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania to acquire by gift from the owner thereof Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown Montgomery County Pennsylvania providing for the control management supervision improvement and maintenance thereof by the Pennsylvania Historical Commission authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof and creating an advisory board to assist in such functions,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

RECALLING SENATE BILL No. 419 FROM THE GOVERNOR

Mr. RUTH offered the following resolution which was twice read, considered and agreed to:

In the Senate, July 1, 1941.

Resolved (if the House of Representatives concur), that Senate Bill No. 419, Printer's No. 265, entitled "An act providing for the reconnaissance survey of a State highway between the city of Harrisburg in the county of Dauphin and the borough of New Hope in the county of Bucks,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

REPORT FROM COMMITTEE

Mr. DENT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT from the Committee on Agriculture reported as amended, Senate Bill No. 1305, (House Bill No. 1919), entitled:

An Act to amend sections 103 301 304 305 307 308 310 311 401 402 403 404 405 410 501 502 503 505 506 508 510 511 512 513 703 801 802 803 804 807 808 809 904 1003 and 1101 of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction

upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission enabling certain officers employees and agents to administer oaths providing the method and effect of service of certain orders and the posting of rules regulations and certain orders enabling employees of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders requiring milk dealers or handlers to be licensed stating grounds for refusal suspension revocation of licenses and the right to transfer licenses stating grounds for refusal of the right to apply for a license stating the effect of service by registered mail enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers prescribing the effective date and term of such bonds and providing for their release providing for the increase or decrease of the amounts of bonds prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds providing for payment to those entitled thereto of moneys in the hands of the commission owing from dealers or handlers to producers and from sub-dealers or sub-handlers to dealers or handlers increasing the scope of regulation of subdealers or subhandlers making certain information available to cooperatives and producers' groups clarifying the requisites of orders fixing prices for milk providing for the competency of certain statistical testimony and data providing that all provisions of price-fixing orders shall be presumed to be valid and placing the burden of proving any invalidity of any order or part thereof stating the effect of partial invalidity of price-fixing orders defining violations of orders of the commission fixing prices making milk dealers or handlers responsible for acts of their directors officers agents or other persons acting for or on behalf of them giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk further regulating and imposing duties on milk dealers or handlers prescribing procedure on appeal from orders of the commission further defining and prescribing penalties defenses rights and remedies and providing for the payment of funds in the hands of the commission owing from producers or dealers or handlers to those entitled thereto.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency,

the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 1, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph Fiell, Room 1815, 140 Cedar Street, New York, New York, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of New York, for the term of five years, to compute from July 6, 1941.

ARTHUR H. JAMES.

BILL INTRODUCED

Mr. WALKER. Mr. President, on February 26th, we presented a resolution in the Senate calling upon various boards, departments and commissions of the Commonwealth to furnish the Committee on Judiciary General of the Senate with copies of their rules and regulations. We were served with a large volume of rules and regulations that had been reduced to writing, and we also received long verbal reports from a number of boards and commissions which had never bothered to reduce their rules and regulations to writing. They were operating under the same old principle that we used when we were kids and played "cowboy and Indian"; they made up rules as they went along. We have had some examples since February of the evils of legislation by bureaucracy, and we feel it is time we should put a stop to it by some tangible, effective method.

This afternoon on the floor of the Senate, Mr. President, attention was called to a situation that has arisen, where one of the departments on the Hill has ignored a joint resolution of the Legislature. In referring to the Department of Public Assistance I do not want to convey the impression I am picking it out for criticism, because I find that generally there is a lot of legislation by bureaucracy going on all over the Hill.

I called the Department of Public Assistance this afternoon and asked them if they were aware of the joint resolution referred to by the gentleman from Cambria, Senator Haluska, and they said they were. I asked them if they were going to recognize it, and I was told very carefully by Mr. Bowman, deputy secretary, that the State Executive Board had made a rule of its own after being served with a copy of this joint resolution. I explained to him the rule they had adopted was contrary to the joint resolution and he promptly explained to me that they did not have to take recognition or cognizance of any resolution passed by the Legislature.

Mr. President, I hesitate to resort to gutter talk on the floor of this Senate, but it looks to me as though a department created by the Legislature is "thumbing its nose" at the authority that created it, and that is a situation highly intolerable if our democratic system of government is to endure. That department was put over here by the Legislature and now they have passed rules and regulations that are circumventing the expressed will of the Legislature.

The Joint State Government Commission, which was

created and which had an appropriation at one time, made a very thorough study of the rules and regulations of the various departments and boards, and they are preparing a detailed report which will be presented to the Legislature in the near future. The Committee on Judiciary General in the Senate cooperated with the Joint State Government Commission's sub-committee working on that detailed report, and we feel that the Senate should not be cursed with two reports dealing with an identical subject, and therefore we are leaving the detailed report to the Joint State Government Commission, in the hope that eventually they will have an appropriation and be able to put the report on the desks of the Senators.

Mr. President, in order to effectively curb this legislation by bureaucracy, the sub-committee on Judiciary General desires to offer a bill, and I want to say, Mr. President, we are not optimistic; because we are still firmly of the opinion that you and I will decorate a Christmas tree this Christmas during a session of the Senate.

BILL INTRODUCED

Mr. WALKER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER read in place and presented to the Chair Senate Bill No. 1307, entitled:

An Act requiring approval by the Attorney General in order to make effective any rule or regulation prescribed, proposed or adopted by any department, board or commission of the Commonwealth; and imposing duties on the Attorney General.

Which was committed to the Committee on State Government.

PERMISSION TO ADDRESS SENATE

Mr. REED. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The gentleman from Washington may proceed.

Mr. REED. Mr. President, much has been said this afternoon about the action of the Department of Public Assistance. As I view it, the Department of Public Assistance is working under the law; they are working under the act of 1937. I hold no brief for the Department of Public Assistance, because I fought them even before passage of the act of 1937. I vehemently opposed passage of that bill on the floor of this Senate; I voted against it, and I did everything I could to prevent its passage. The Department of Public Assistance is today working under that Act of Assembly, and they are lawfully working under that Act of Assembly, and the only way I can see that you can get rid of their activities is to repeal that Act of Assembly. That is the legal way to do it.

The gentleman from Philadelphia, Senator Woodward, had the right idea; he presented a bill here to repeal the act of 1937. That is the act under which the department is working today, and it does not make any difference how many resolutions are introduced in this Senate, if the Department of Public Assistance can say, "we will not recognize them, because they are not legal; we are working under a law properly passed by the House of

Representatives and by the Senate and signed by the Governor," and until the proper legal procedure is followed to do away with that Act of Assembly, to cut the foundation out from under the Department of Public Assistance, the director can still say to us here in the Senate, "you can pass all the resolutions you want, we will work under the Act of 1937 and we will be within our legal rights."

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1079, (House Bill No. 1597), as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities, persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Lebanon

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the township roads adopted as State highways in the County of Lebanon by the act to which this is a supplement the following section of township road in said county is hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement

Beginning at a point on Route 38048 about 0.5 of a mile west of its intersection with Route 38062 thence in a general northerly direction through Union Township to a point on Route 38003 in Lebanon County a distance of about 1.1 miles

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanús,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Willson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1191, (House Bill No. 361), entitled:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capital City.

And said bill having read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CHAPMAN. Mr. President, I ask unanimous consent to amend Section 1, page 1, line 2, by striking out the words "ten thousand dollars (\$10,000)" and inserting in lieu thereof the following: "five thousand dollars (\$5,000)"

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

PERMISSION REQUESTED TO INTRODUCE RESOLUTION

Mr. HALUSKA. Mr. President, I ask unanimous consent to offer a resolution at this time.

Mr. GELTZ. I object, Mr. President.

Mr. HALUSKA. I will give you some of your own medicine right away.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1212, (House Bill No. 1760).

Mr. HALUSKA. Mr. President, I ask that the bill be read at length.

Mr. GELTZ. Mr. President, I second the motion, if it is a motion.

The PRESIDENT. That is not necessary; the rules of the Senate provide proper procedure.

The Clerk will read the bill.

Section 1 There is hereby created a commission which shall be composed of five members of the Senate to be appointed by the President Pro Tempore thereof and five members of the House of Representatives to be appointed by the Speaker thereof to be known as the

It shall be the duty of such commission

(1) To investigate the problem of surface subsidence in the anthracite coal area with respect to its effect on property and human life

(2) To engage in any research necessary to discover effective remedies for the anthracite mine cave problem

(3) To study decisions of the State and Federal courts relating to the constitutionality and effect of earlier legislation relating to surface subsidence caused by mining and

(4) To make recommendations as to legislation which might be enacted by the General Assembly for the effective regulation and control of anthracite mining and surface subsidence

The commission shall make its report to the General Assembly not later than the first day of February one thousand nine hundred and forty-three

POINT OF ORDER

Mr. WALKER. Mr. President, I suggest that the reading clerk read the bill slowly and distinctly and I suggest that the gentleman from Cambria follow it.

The PRESIDENT. The gentleman can not be compelled to pay attention to the reading of the bill.

Mr. WALKER. Mr. President, the gentleman can at least keep quiet, so that we may pay attention.

Mr. HALUSKA. Mr. President, I ask that the Clerk read the bill slowly so that I can listen to the commas and periods.

Mr. WALKER. I suggest the Clerk read the bill from the beginning.

The Clerk again started to read the bill.

On the question,

Will the Senate agree to the section?

Mr. COLEMAN. Mr. President, I ask unanimous consent to amend section 1, page 2, line 5, by adding after the word "the" the following: "Anthracite Subsidence Commission."

The PRESIDENT. Is there objection?

Mr. COLEMAN. Mr. President, in order that the Senators may appreciate that the amendment makes sense, I desire to point out that the words are "Anthracite Subsidence Commission." I do not believe that was clear.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended

It was agreed to.

POINT OF ORDER

Mr. WALKER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny will state his point of order.

Mr. WALKER. Mr. President, now that the section has been amended, the bill can not be read any further until after it has been printed and placed on the desks of the Senators.

The PRESIDENT. The bill has not been read in full.

Mr. WALKER. The bill has been amended, Mr. President.

The PRESIDENT. The point of order of the gentleman from Allegheny is not well taken. A bill is only to be reprinted after it has been read and adopted as amended.

The Clerk will proceed with the reading of the bill.

The second to the fifth sections inclusive of the bill were read as follows and agreed to:

Section 2 The persons appointed as members of said commission shall meet immediately after appointment and select one of their members to act as chairman of the commission. The commission may employ and fix the compensation of a secretary and such counsel engineers experts clerks stenographers and investigators as they deem necessary to perform the duties imposed by this act. The members of the commission, shall receive no compensation for their services but shall be reimbursed for living and traveling expenses necessarily incurred in the performance of their duties.

Section 3 The said commission shall have power to issue

subpoenas under the hand of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the commission and to produce such books papers records and documents as the commission may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said commission shall have power to administer oaths and affirmations to witnesses appearing before the commission. Any person who shall wilfully neglect or refuse to testify before said commission or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Section 4 The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of its members in connection with the work required hereby and for the payment of the compensation and expenses of the secretary counsel engineers experts clerks stenographers and investigators for postage telegraph and telephone charges for witness fees allowed by the commission for supplies and printing and for all other expenses deemed necessary and proper by the commission.

Section 5 The provisions of this act shall become effective immediately upon final enactment.

The title was read as follows and agreed to:

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal directing such commission to make a report and recommendations to the General Assembly conferring certain powers upon such commission including the power to issue subpoenas administer oaths and affirmations retain employes and expend funds and making an appropriation.

Whereas For a long period of years the mining of coal in the anthracite regions of the Commonwealth has been the cause of widespread surface subsidence in many localities and

Where Such surface subsidence has from time to time injured or damaged private dwellings public buildings highways public utility facilities and otherwise endangered human life and prejudicially affected the general public health and welfare and

Whereas The General Assembly has several times adopted legislation designed to alleviate or abolish such conditions only to have such legislation prove ineffective or to find it declared unconstitutional and

Whereas The conditions resulting from such surface subsidence are so serious and of such general public concern as to demand effective and prompt relief therefore

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

PERMISSION REQUESTED TO INTRODUCE RESOLUTION

Mr. HALUSKA. Mr. President, in order to expedite the business of this session, I ask unanimous consent to offer a short resolution at this time, and I ask its immediate adoption.

The PRESIDENT. Is there objection to the request of the Senator from Cambria?

Mr. GELTZ. There is objection, Mr. President. There has been a motion adopted by this body that we proceed

with consideration of the Calendar. I will have no objection to the presentation of the resolution when we have completed consideration of the Calendar.

The PRESIDENT. There is objection to introduction of the resolution.

Mr. HALUSKA. Mr. President, I have listened time and time again while we have deviated from the order of business, to permit bills to be introduced, we have even permitted committee meetings, we have permitted reports of committee to be made and there was no objection. I have shown my colleagues that courtesy and at no time have I objected to that procedure.

I offered a resolution this afternoon to which the gentleman from Allegheny, Mr. Geltz, objected I then asked that it be withdrawn to give me sufficient time to prepare another resolution which I now have and which I am sure will meet the gentleman's approval. The gentleman from Allegheny has not shown me the courtesy of permitting me to offer this resolution, which would take about two minutes to read.

Therefore, Mr. President, while I feel that some of my friends would like to get home, and I also want to go home, I shall stand pat and ask, Mr. President, that every bill be read in full and in detail until the gentleman makes up his mind to extend to me the courtesy I have extended to him.

Mr. GELTZ. Mr. President, may I answer that by saying it is not a question of showing anybody courtesy. We have been here three hours and have only reached page twelve of a forty-two page Calendar, and it is necessary that we proceed with the Calendar and transact our business in an orderly manner.

Mr. EALY. I would like to ask the gentleman from Cambria whether he will reconsider his request; it will not take very long to complete the calendar.

Mr. HALUSKA. Mr. President, I am not known to weaken too often, but the gentleman from Somerset has been very courteous and I am going to withdraw my request, but I want to go on record as stating that I want to be treated as I treat others. I do not care when we adjourn, and if once again they tramp on my toes I promise all my colleagues I will stand pat and request that every bill be read in full; I shall use my prerogatives to the fullest extent. I think I have been treated very discourteously by the gentleman from Allegheny, but in view of the request of my colleague from Somerset, Mr. Ealy, I shall yield. After we are through with the Calendar, I trust the Chair will recognize me and give me opportunity to present my resolution.

The PRESIDENT. The Chair gives notice he is prepared to stay here as long as is necessary.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1229, (House Bill No. 1286), as follows:

An Act relative to the employment of females in hotels taverns saloons and eating houses for the mixing or sale of alcoholic drinks and the penalty for violation thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall not be lawful for any owner pro-

prietor keeper or agent of any hotel tavern saloon eating house or other place where alcoholic liquors are legally sold to employ or permit the employment of any female at any such hotel tavern saloon or eating house to mix or serve alcoholic liquor behind the bar or to employ any female for the purpose of enticing customers or to encourage them to drink liquor or make assignations for improper purposes Provided That nothing in this act shall be construed to prevent the employment of any female waitress who regularly takes orders for food from serving food and liquor at tables also that nothing shall prevent any employer from employing any female stenographer hotel secretary clerk or other employee for their respective positions Provided further That nothing in this act shall be so construed as to prevent the wife of any such owner proprietor keeper or agent from mixing or serving alcoholic liquor behind the bar of any such place where alcoholic liquors are legally sold

Section 2 Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction of the same shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each and every female so employed or undergo an imprisonment of not less than three (3) months nor more than one (1) year or either or both at the discretion of the court having jurisdiction of the case The Liquor Control Board shall have the power to revoke or refuse licenses for violation of this act

Section 3 The act approved the ninth day of June one thousand nine hundred and thirty-nine (P. L. 307) entitled "An act prohibiting in any city of the first second and second A class the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinious beverages are sold and providing penalties" is hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Beed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1231, (House Bill No. 1466), entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nominations of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the procedure for and regulating voting in elections by persons in actual military service, conferring powers and imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, and county commissioners, providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. FARRELL. Mr. President, I ask unanimous consent to amend Bill, page 9, lines 3 to 28, both inclusive by striking out all of said lines; amend Sec. 3, page 10, lines 1 to 12, both inclusive, by striking out all of said lines; amend Sec. 4, page 10, line 13, by striking out the numeral "4" and inserting in lieu thereof: "3"; amend Sec. 5, page 10, line 15, by striking out the numeral "5" and inserting in lieu thereof: "4"; amend Sec. 6, page 17, line 3, by striking out the numeral "6" and inserting in lieu thereof: "5".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1232, (House Bill No. 1467), as follows:

An Act to amend the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commission county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as

amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a conditions of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended by adding thereto a new subsection (u) to read as follows

(u) "Persons in military service" shall mean qualified electors of this Commonwealth who are or may be by enlistment enrollment or draft in actual military or naval service of the United States or any branch or unit thereof or in the military service of the Commonwealth

Section 2 Subsection (a) of section eighteen of the said act is hereby amended to read as follows

Section 18 Registration Cards Preparation and Distribution

(a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section nineteen and nineteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section nineteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section nineteen and one-tenth as the case may be

Registration Affidavit

State of Pennsylvania }
County of } ss:

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this
.....day of 19
Signature of Voter

.....
Signature of Registrar

Section 3 The said act is amended by adding after section nineteen a new section nineteen and one-tenth to read as follows

Section 19.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for a registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following in-

formation (1) The surname of the applicant (2) His Christian name or names (3) His occupation if any on the date of entering military service (4) The street or road and number if any of his residence on the date of entering military service (5) If his residence was a portion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels (14) Whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of registration as hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or by any state or territory thereof and dated by such superior officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each such ward and district and the other data required to be given upon such removal (21) The data of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the election officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit in which I am commissioned or enrolled is with rank of now located at that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Signature of applicant for registration

Sworn to and subscribed before me this day of 19....

Signature of superior officer or judge of any court of record of the United States

or any state or territory thereof and a statement of official position

(d) Upon written application by any person in military service to the registration commission having jurisdiction in the city in which the applicant resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such application Such person shall thereupon supply the information required on the registration card in duplicate and shall take the affidavit thereto in duplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured

(e) Registration in this manner by persons in military service may be made at any time Provided however That if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service Provided however That if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have been entitled to be registered but by continued residence would have become so entitled he shall be entitled to be registered at such time as he would have been so entitled had he not entered military service and had continued to reside where he then resided

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registrations are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence on the date of entering military service The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card If the commission finds the registration card not properly completed it shall reject it in the manner hereinafter provided

Section 4 Section twenty-three of the said act is hereby amended to read as follows

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected Provided however That if the registration card was received by mail from a person in military service notice of rejection shall be by mail All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 5 Subsection (a) of section twenty-nine of the said act is hereby amended to read as follows

Section 29 Change of Enrollment of Political Party

Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature, the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers. In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made. If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity. When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration. Any person in military service who desires to change his party enrollment shall be permitted to do so by addressing a signed written request to the commission. The request shall also contain a statement that such person is at the time of making the request absent from his residence in military service. If upon examination the signature appears authentic the enrollment shall be changed in accordance with the request.

Section 6 Section thirty-one of the said act is hereby amended to read as follows

Section 31. Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon.

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register.

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) above.

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector. Provided however That the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing

upon the district register if such person did reside at such address on the date of entering military service.

Section 7. Section thirty-seven of the said act is hereby amended by adding thereto a new subsection (h) to read as follows

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act. Persons in military service and by reason thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of this section insofar as they relate to the manner of voting.

Section 8 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanhus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1236, (House Bill No. 1585), as follows:

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

Whereas during the years of the economic depression many corporations and individuals became insolvent or unable to pay their debts as they matured and are now or may hereafter be in the process of reorganization or arrangement proceedings under the National Bankruptcy Act and

Whereas the National Bankruptcy Act has made provision for the fair and equitable administration and readjustment of the affairs of such corporations and individuals under the jurisdiction of the United States courts and with due consideration to the relative rights and priorities of claims and obligations of all classes including municipal claims and taxes against such corporations or individuals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions Hereafter in this act the following words shall be understood to have the meanings here-

in set forth unless a contrary or different meaning be clearly indicated by the context

(a) "Claims" shall mean municipal claims and liens tax claims and liens and penalties interest and costs due thereon

(b) "Corporation" shall mean all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnerships and shall include partnership associations organized under laws making the capital subscribed alone responsible for the debts of the associations joint stock companies unincorporated companies and associations and any business conducted by a trustee or trustees wherein beneficial interest or ownership is evidenced by certificate or other written instrument

Section 2 Corporate Reorganizations Whenever after a hearing duly held thereon a plan of reorganization of any corporation has been or shall hereafter be found to be fair and equitable and feasible and be approved by the decree or order of any court of competent jurisdiction pursuant to the provisions of Chapter X of the Act of the Congress of the United States approved the first day of July one thousand eight hundred ninety-eight entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" and the amendments and supplements thereto or of any similar Act of Congress and which plan of reorganization fixes a sum to be paid for the discharge and satisfaction of all claims of any political subdivisions against such corporation or its property which sum may be less than the total amount of such claims but shall be determined by such court to be not less than the net amount which could be realized at a tax sale of the real property against which such taxes may be or might become a lien or by enforced collection against such corporation then and in such event the tax levying body of any political subdivision shall have power to file its written acceptance of said plan of reorganization accompanied by a copy of the ordinance or resolution authorizing the acceptance of such plan in the court having jurisdiction of the proceedings for the reorganization of such corporation and to accept in full satisfaction and discharge of such claims as may constitute claims against such corporation and in full satisfaction and discharge of the liens of any such claims as may constitute liens against the property of such corporation the amount so fixed by the court in said plan of reorganization Such satisfaction and discharge shall not constitute a satisfaction and discharge of any liability of any person other than such corporation with respect to such claims Upon the payment over to the political subdivision of the amount so fixed the tax levying body of such political subdivision shall cause satisfaction to be entered on the proper record for such claims

Section 3 Arrangement Proceedings by Persons Other Than Corporations Whenever any arrangement respecting a person other than a corporation has been or shall hereafter be proposed pursuant to the provisions of Chapter XII of the Act of the Congress of the United States approved the first day of July one thousand eight hundred ninety-eight entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" and the amendments and supplements thereto or of any similar Act of Congress which arrangement fixes a sum to be paid for the discharge and satisfaction of all claims due by such person to any political subdivision which sum may be less than the total amount of such claims but shall be not less than the net amount which could be realized at a tax sale of the real property against which such taxes may be or might become a lien or by enforced collection against such person then and in such event the tax levying body of any political subdivision shall have power to file its written acceptance of said arrangement accompanied by a copy of the ordinance or resolution authorizing the acceptance of such arrangement in the court having jurisdiction of the proceeding for such arrangement and upon confirmation by such court of such arrangement shall accept in full satisfaction for such claims the amount so fixed in said arrangement Upon

payment over to the political subdivision of the amount so fixed the tax levying body of such political subdivision shall cause satisfaction to be entered on the proper record for such claims

Section 4 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Delbrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1239, (House Bill No. 1704), as follows:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Public Instruction with the approval of the Board of Trustees of Indiana State Teachers' College is hereby authorized to enter into a contract with the Borough of Indiana Indiana County for the erection and construction of a sewage disposal plant and for the connection therewith and use thereof by the Indiana State Teachers' College and for the future payment by the Commonwealth of a proportionate part of the cost of maintenance of such sewage disposal plant

Section 2 The sum of twenty-one thousand dollars (\$21,000) or so much thereof as shall be necessary is hereby appropriated to the Department of Public Instruction for the payment of the Commonwealth's share of the cost of the erection and construction of such sewage disposal plant and the necessary sewer lines and connections to connect with the same

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1243, (House Bill No. 1738), as follows:

An Act to amend Route 22045 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows •

Section 1 Route 22045 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is hereby amended to read as follows

Route 22045 Beginning at a point in Rush Township on the Dauphin-Lebanon County line about [.25 mile] 1½ miles west of the Schuylkill County line thence in a north-easterly and northwesterly direction through Rush Township to a point [on] intersecting Route 22041 about 1 mile west of the Schuylkill-Dauphin County line in Dauphin County a distance of about [0.7] 0.95 mile

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,

Chapman,
Coleman,
Cox,
Crider,
Crowe,
Detrick,
Dent,

Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,

Miller,
Mundy,
Reed,
Ruth,
Shapiro,
Snowden,
Stevenson,

Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1244, (House Bill No. 1739), as follows:

An Act to amend Route 38043 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Route 38043 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is hereby amended to read as follows

Route 38043 Beginning at a point in Union Township intersecting Route 140-E near Murray thence in [a] an easterly and general northerly direction through Union and Cold Spring Townships via Gold Mine to a point on the Dauphin-Lebanon County line about [.25 mile] 1.5 miles west of the Schuylkill County line in Lebanon County a distance of about [6.0] 6.11 miles

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,
Bartlett,
Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Detrick,
Dent,

DiSilvestro,
Ealy,
Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,

Lanius,
Letzler,
Mallery,
McCreesh,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Shapiro,
Snowden,
Stevenson,

Stiefel,
Tallman,
Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1265, (House Bill No. 1465), entitled:

An Act to amend the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. FARRELL. Mr. President, I ask unanimous consent to amend Sec. 4, page 13, line 4, by striking out the dark-faced bracket before the word "Section" at the beginning of the line; amend Sec. 4, page 13, line 29, by striking out the dark-faced bracket after the word "and" at the end of the line; amend Sec. 4, page 14, line 1, by striking out the dark-faced bracket before the word "shall" at the beginning of the line; Amend Sec. 4, page 14, line 14, by striking out the dark-faced bracket after the word "request" at the end of the line; amend Sec. 5, page 14, line 15, by striking out the numeral "5" and inserting in lieu thereof: "6"; amend Sec. 6, page 16, line 3, by striking out the numeral "6" and inserting in lieu thereof: "7"; amend Sec. 7, page 16, line 14, by striking the numeral "7" and inserting in lieu thereof: "8".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1266, (House Bill No. 1468), as follows:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

Section 3 Definition (a) the word "Commission" shall mean any registration commission having jurisdiction in any city of the second class

(b) "Commissioner" shall mean a member of a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast

in the State for any elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the second class

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the second class

(n) "City" shall mean only a city of the second class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the second class or to those of any county within which such city is located or to any school district with which it is coextensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

(s) "County Election Board" or "County Board" shall mean the county board of elections of any county containing a city of the second class as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

(u) "Persons in military service" shall mean qualified electors of this Commonwealth who are or may be by enlistment enrollment or draft in actual military or naval service of the United States or any branch or unit thereof or in the military service of the Commonwealth

Section 2 Subsection (a) of section eighteen of the said act is hereby amended to read as follows

Section 18 Registration Cards Preparation and Distribution (a) For the purpose [or] of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section nineteen and nineteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section nineteen and one-tenth as the case may be

Registration Affidavit

State of Pennsylvania } ss

County of

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall

be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six [month] months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or had read to me) the foregoing statements made in connection with my registration and that they are true and correct
Subscribed and sworn to before

me this day of
19....

.....
Signature of Voter

.....
Signature of Registrar

Section 3 The said act is amended by adding after section nineteen a new section nineteen and one-tenth to read as follows

Section 19.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for a registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following information (1) The surname of the applicant (2) His Christian name or names (3) His occupation if any on the date of entering military service (4) The street or road and number if any of his residence on the date of entering military service (5) If his residence was a portion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels (14) Whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of registration as hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or of any state or territory thereof and dated by such superior officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each such ward and district and the other data required to be given upon such removal (21) The date of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the election officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit in which I am enrolled or commissioned is with the rank of now located at that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

.....
Signature of applicant for registration

Sworn to and subscribed before me this
..... day of 19....

Signature of superior officer or judge
of any court of record of the United
State or any state or territory there-
of and a statement of official position

(d) Upon written application by any person in military service to the registration commission having jurisdiction in the city in which the applicant resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such application. Such person shall thereupon supply the information required on the registration card in duplicate and shall take the affidavit thereto in duplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured

(e) Registration in this manner by persons in military service may be made at any time. Provided however That if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service. Provided however That if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have been entitled to be registered but by continued residence would have become so entitled he shall be entitled to be registered at such time as he would have been so entitled had he not entered military service and had continued to reside where he then resided

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registrations are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence immediately prior to entering military service. The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card. If the commission finds the registration card not prop-

erly completed it shall reject it in the manner hereinafter provided

Section 4 Section twenty-three of the said act is hereby amended to read as follows

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or name and street and number of residence of each person who applies for registration whether or not the application is accepted. Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto. The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected. Provided however That if the registration card was received by mail from a person in military service notice of rejection shall be by mail. All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 5 Subsection (a) of section twenty-nine of the said act is hereby amended to read as follows

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the first days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers. In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made. If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity. When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration. Any person in military service who desires to change his party enrollment shall be permitted to do so by addressing a signed written request to the commission. The request shall also contain a statement that such person is at the time of making the request absent from his residence in military service. If upon examination the signature appears authentic the enrollment shall be changed in accordance with the request

Section 6 Section thirty-one of the said act is hereby amended to read as follows

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post

Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector. Provided however That the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing upon the district register if such person did reside at such address on the date of entering military service

Section 7 Section thirty-seven of the said act is hereby amended by adding thereto subsection (h) to read as follows

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act. Persons in military service and by reason thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of this section insofar as they relate to the manner of voting

Section 8 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Barr,	Farrell,	McCreesh,	Thomas,
Bavalante,	Frey,	McQuiddy,	Tyler,
Bapman,	Geltz,	Miller,	Wade,
Bleman,	Haluska,	Mundy,	Walker,
Blox,	Heyburn,	Reed,	Watkins,
Bridger,	Homsher,	Ruth,	Wilson, H. I.,
Browe,	James,	Shapiro,	Wilson, T. B.,
Beltzick,	Jaspan,	Snowden,	Woodward,
Bent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1267, (House Bill No. 1469), as follows:

1 Act to amend the act approved the twenty-fifth day

of May one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" is hereby amended to read as follows

Section 3 Definitions (a) The word "Commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commission

(c) "Oaths" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in the State for any elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the third class

(j) "Political body" shall mean any political body not

recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(n) "City" shall mean only a city of the third class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district with which such city is coextensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

(s) "County Election Board" or "County Board" shall mean the county board of elections of any county as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

(u) "Persons in military service" shall mean qualified electors of this Commonwealth who are or may be by enlistment enrollment or draft in actual military or naval service of the United States or any branch or unit thereof or in the military service of the Commonwealth

Section 2 Subsection (a) of section eighteen of the said act is hereby amended to read as follows

Section 18 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section [eighteen] nineteen and nineteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section nineteen and one-tenth as the case may be

Registration Affidavit

State of Pennsylvania } ss
County of _____

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing

statements made in connection with my registration and that they are true and correct.

Subscribed and sworn to before me this day of 19....

Signature of Voter

Signature of Registrar

Section 13 The said act is amended by adding after section nineteen a new section nineteen and one-tenth to read as follows

Section 19.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following information (1) The surname of the applicant (2) His Christian name or names (3) His occupation if any (4) The date of entering military service (5) If his residence was a portion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels (14) Whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of registration hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or of any state or territory thereof attested by such superior officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each such ward and district and the other data required to be given upon such removal (21) The date of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the elector officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for

one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit in which I am enrolled or commissioned is with rank of now located at that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

.....
Signature of applicant for registration

Sworn to and subscribed before me this day of 19.....

.....
Signature of superior officer or judge of any court of record of the United States or any state or territory thereof and statement of official position

(d) Upon written application by any person in military service to the registration commission having jurisdiction in the city in which the applicant resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such application. Such person shall thereupon supply the information required on the registration card in duplicate and shall take the affidavit thereto in duplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured.

(e) Registration in this manner by persons in military service may be made at any time. Provided however That if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered.

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service. Provided however That if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have been entitled to be registered but by continued residence would have become so entitled he shall be entitled to be registered at such time as would have been so entitled had he not entered military service and had continued to reside where he then resided.

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registrations are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence on the date of entering military service. The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card. If the commission finds the registration card not properly completed it shall reject it in the manner hereinafter provided.

Section 4 Section twenty-three of the said act is hereby amended to read as follows

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted. Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the rejection and shall sign his name thereto. The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected. Provided however That if the registration card was received by mail from a person in military service notice of rejection shall be by mail. All such cards shall be returned to the commission and shall be preserved for a period of two years.

Section 5 Subsection (a) of section twenty-nine of the said act as amended by the act approved the ninth day of June one thousand nine hundred thirty-nine (P. L. 279) is hereby further amended to read as follows

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the thirtieth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers in such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made. If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity. When an elector has applied for a change in the enrollment of his political designation as provided therein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration. Any person in military service who desires to change his party enrollment shall be permitted to do so by addressing a signed written request to the commission. The request shall also contain a statement that such person is at the time of making the request absent from his residence in military service. If upon examination the signature appears authentic the enrollment shall be changed in accordance with the request.

Section 6 Section thirty-one of the said act is hereby amended to read as follows

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the address at the address given thereon.

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States

Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section [thirty-one] thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector. Provided however That the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing upon the district register if such person did reside at such address on the date of entering military service

Section 7 Section thirty-seven of the said act is hereby amended by adding thereto subsection (h) to read as follows

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act. Persons in military service and by reason thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of this section insofar as they relate to the manner of voting

Section 8 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel.
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geitz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1282, entitled:

An Act making an appropriation to the California State Teachers College, for the purchase of lands needed for the better operation of such college.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President, some time ago I was requested to introduce this bill and yesterday it was called to the attention of the Senate that the bill should be amended. I studied the suggestion carefully and I agree with the gentleman who made that request.

Mr. President, I now have prepared the amendments and ask unanimous consent to present the same.

The Clerk read the amendments as follows:

Amend, Title, page 1, by striking out all of said title and inserting in lieu thereof the following: "Authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college and making an appropriation"; amend, Section 1, page 1, by striking out all of lines 1, 2, 3, 4, 5, and 6, and inserting in lieu thereof the following: "The Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College, is hereby authorized to acquire, in the name of the Commonwealth, a tract of land adjoining said College and needed for its more efficient operation"; amend, Bill by inserting the following new sections:

Section 2. Said tract of land, when acquired, shall be added to the lands of the California State Teachers College. The deed of conveyance shall be deposited with the Secretary of Internal Affairs.

Section 3. The said lands shall not be acquired until the titles thereto have been approved by the Department of Justice.

Section 4. The sum of thirty thousand dollars (\$30,000) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of land and the expenses incidental thereto, including title searches.

Amend, Bill, Page 1, line 7, after the word "Section" and before the word "The" by striking out the number 2 and inserting in lieu thereof the following: "5".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 288, (House Bill No. 183) entitled:

An Act to amend section seven hundred two and to

further amend section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the establishment and maintenance of fire hydrants and fire hydrant water service and the levy of a special tax therefor with the assent of electors.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 399, on second reading, entitled:

An Act making an appropriation to the Treasury Department for the use of the Board of Finance and Revenue in granting refunds of "store and theatre" tax

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 468, (House Bill No. 70), on second reading entitled:

An Act to amend section seven hundred three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing for the compensation paid to township commissioners

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 695, (House Bill No. 1176), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 707, (House Bill No. 1023), entitled:

An Act prohibiting employers from directly or indirectly offering for sale selling procuring for sale having in possession or under control for sale to employees or others any

merchandise not produced by employers or not handled in the regular course of employer's business providing exceptions thereto declaring such prohibited sales to be unfair competition and repealing prior inconsistent legislation.

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows: Amend title, page 1, line 3 of the title, after the word "employees," by taking out the words: "or others"; Amend Section 1, pages 1 and 2, between lines 1 and 5 on page 1, and between lines 1 and 14 on page 2, by taking out all of the said words contained therein, beginning with the word "Section" and ending with the word "same"; Amend bill, page 2, line 15, after the word "Section" and before the word "No" by taking out the number "2" and inserting in lieu thereof the number "1"; Amend Section 2, now Section 1, page 2, lines 20 and 21, after the word "employees" and before the word "any," by taking out the following words: "or to any other person"; Amend Section 2, now Section 1, page 2, line 25, by inserting after the word "candy," the following word: "beverages"; Amend Bill, page 5, line 18, after the word "Section" and before the word "Remedy," by taking out the number "3" and inserting in lieu thereof the number "2"; Amend Section 3, now Section 2, page 3, line 24, after the word "thereby," by inserting the following words: "Such action shall be in equity by injunction only and no damages shall be assessed"; Amend Bill, page 3, line 25, after the word "Section" and before the word "Constitutionality," by taking out the number "4" and inserting in lieu thereof the number "3"; Amend Bill, page 4, line 10, after the word "Section" and before the word "Repealing," by taking out the number "5" and inserting in lieu thereof the number "4"; Amend Bill, page 4, line 13, after the word "Section" and before the word "Effective," by taking out the number "8" and inserting in lieu thereof the number "5."

On the question,

Will the Senate agree to the amendments?

Mr. SHAPIRO. Mr. President, I would like to interrogate the gentleman from Philadelphia, Mr. Kephart.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. KEPHART. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, I should like to know why the gentleman removes the purpose clause from the bill; I think the purpose clause is very important.

Mr. KEPHART. Mr. President, the purpose clause says:

"Section 1. Reason and purpose. (a) The Legislature hereby finds that the existence in the Commonwealth of Pennsylvania of the practice whereby employers sell or procure for sale to employees or other persons any merchandise not of the employer's own production or not handled in the regular course of the employer's business is detrimental to the health, safety, morals, convenience and general well-being of the public, in that such practice (1) results in the loss of taxes to the Commonwealth and the various taxing instrumentalities existent in the Commonwealth; (2) unreasonably interferes with and diverts the proper and normal flow of trade and commerce; (3) constitutes an unfair method of competition by such employers against others engaged in commerce:

"(b) It is hereby declared to be the policy of this act through the exercise by the Legislature of its police powers to correct and to eliminate the conditions referred to above

declaring certain sales to constitute unfair competition and prohibiting same."

Mr. President, it will be noted that the first reason given as to why it is detrimental to the health, safety, morals, convenience and general well-being, is that it results in loss of taxes to the Commonwealth and the various taxing instrumentalities existing in the Commonwealth.

Now, Mr. President, to make that declaration as a finding of this legislative body, without any investigation to prove it, I think is unsound; if it does do that, the place to correct it is in the taxing laws in the Commonwealth, not in a declaration of policy in this bill.

The other two points are likewise subject to the same criticism, and it seems to me the whole paragraph is what might come under the heading of "fooferaw."

Mr. President, the body of the bill is contained in the second section, and that is all that is necessary. You do not need all these appendages and they can be very well dropped and thereby the amount of material in the pamphlet laws will be reduced by that extent, by eliminating this unnecessary paragraph.

Mr. SHAPIRO. Mr. President, the gentleman's association with a lawyer of high standing in the Commonwealth has made him very able, I am quite sure, but at the same time if the gentleman intended to kill this bill I think it would be much more to the interest of the Senators that he say so. He takes out the entire purpose clause of the bill. I agree with him there is nothing in this bill I can see offhand which will protect the health of the community. There may be something in it as to morals, because we all know and our committee agreed—while the Senate has not yet studied the bill, the Committee on Judiciary General studied it, and we came to the conclusion there is a great deal in the transactions effected by this bill which affect the morals and fair trade in a community—and it is my opinion essential that this bill shall have a purpose clause in order to establish its standing and for the purpose of giving a court the intent of the Legislature when this bill comes up for action, as it certainly will, concerning those who have in many instances corrupted the morals of the community in their methods of handling sales of these goods they do not themselves manufacture, and in which they deal with their employees.

Mr. President, if we want to kill this bill let us vote it down, but if we do not want to kill the bill let us not have amendments in the eleventh hour, at a time like this, when the bill has been in and out of committee on several occasions, at which times the gentleman from Philadelphia, Mr. Kephart, who is a member of the committee, could have raised these questions.

I seriously and sincerely object to the introduction of amendments to the bill at this time and ask my colleagues to vote "no" on the amendments.

Mr. KEPHART. Mr. President, with reference to this bill being in and out of a committee of which I was a member, I was present at a meeting at which this bill was first considered, and it is my recollection that the action of those who considered it was to indefinitely postpone it. Who put the breath of life in it after that time I do not know.

With respect to the suggestion that this bill might have something to do with public morals, may I refer the gentleman from Philadelphia to page 3, lines 10 and 15, which

state the same things which are being cut out, namely, that this constitutes unfair competition.

In further reply and in further answer to the gentleman from Philadelphia, may I point out to him the other provisions contained in this proposed amendment? This bill prohibits employers from selling goods not produced by them, or goods out of the course of their ordinary business, not only to employees but to any other person. In other words, if I were to manufacture or sell a certain type of goods and had a piano I wanted to sell, I not only could not sell the piano to my employe but I could not sell it to any other person. Certainly the Legislature did not intend to make this bill cover that situation and therefore the words "or any other person" were deleted.

Mr. President, the next amendment is at line 25, page 2, where, "beverages" is included. The bill does not apply to the sale of beverages, just the same as with meals, candy, cigarettes and cigars, so that those corporations that sell meals, candy, cigarettes and cigars may also sell Coca-Cola and soft drinks.

The other provision that was amended, Mr. President, is on page 3, where the remedy clause is clarified so that everybody knows the only action that can be had under the bill is an action in equity, and that an action for damages could not be brought.

Mr. DENT. Mr. President, as I understand the bill, as it started out, it was to protect retailers and persons holding mercantile licenses but it now covers manufacturers, for instance, who, under the guise of selling their own goods, have developed the what is known as "I can get it for you wholesale" racket.

In other words, Mr. President, a purchasing agent of a large concern has access into many, many manufacturers who produce household goods and necessities and semi-luxuries and luxuries. Take an agent whose livelihood is not based upon what amount of goods he can sell but upon the fact that he works for a certain company—he can sell half a dozen refrigerators on a low margin proposition of five or ten dollars, a sort of gift proposition, which cuts out all persons in the State of Pennsylvania who do a legitimate business selling refrigerators and other household necessities. That is all the bill started out to be.

I learned long ago, Mr. President, there are three ways of killing a bill. One way is to have it killed in committee, never have it come out of committee; another way is to have it committed to Senator Chapman's Appropriations Committee, and a third way is to have my friend Senator Kephart amend it. Mr. President, it looks to me like the gentleman from Philadelphia, Mr. Kephart, has learned his lesson very well because if this goes through it certainly will allow everything that has been done before and if you want a refrigerator or a fur coat or a set of tires, for instance, you can get them wholesale. I could add maybe I could get you a set of tires wholesale, but I will not.

I just want to say let us be fair in this thing. Mr. President, this bill has been before us quite a long time. There is no necessity for amendments in the last minute. I do agree with the gentleman on the beverage amendment, I think that is entirely fair. But, however, you have a few other things in there I am not so sure of; much as I admire and respect the gentleman from Philadelphia, I am not so sure he is doing exactly what the sponsor of the bill wanted done, and I think it is unfair to take a bill sponsored

by a man—I have made similar statements previously in connection with the tax abatement bill—when I introduce a bill or you introduce a bill, I think the thing you start out to do ought to be left intact. You may amend the way in which I try to do it or you try to do it, but it is unfair to change the entire purpose of the bill and at the same time still leave on it the name of the sponsor of the bill, because then that man, who probably deserves credit for putting in the bill, is entirely to blame for something he never intended to do.

Mr. President, I would suggest to the gentleman from Philadelphia, Mr. Kephart, that if he is sincere with his amendments—and I believe him to be sincere—then he should allow the amendments to be inserted in the bill, without agreeing to the bill as amended, in order that we may look the bill over and see what it amounts to.

Mr. KEPHART. Mr. President, the suggestion of the gentleman from Westmoreland is agreeable to me.

Mr. SHAPIRO. Mr. President, we can not do that. These amendments should be voted on separately.

Mr. DENT. Thank you, Mr. President. The reason we should not vote on the amendments separately—and this is very practical now, is that the gentleman from Philadelphia, Mr. Kephart, is a Republican and I am a Democrat, and if he insists he will get the votes, so I suggest that the amendments be printed in the bill so that we may look them over from a practical viewpoint. However, Mr. President, I am willing to stay here and vote on them separately, if it is so desired, but I think my solution of the problem is better than the one which has been suggested.

Mr. EDMONDS. Mr. President, I would like to ask some of the Senators who know more about the origin of this bill than myself as to whether, in its original form, it was not identical with the Wisconsin statute on this subject, a statute which has been interpreted by the courts? If so, would there not be an advantage in carrying this bill in the original form on which the courts have already passed? Am I correct in so understanding?

Mr. SHAPIRO. That is correct, Mr. President. That is the reason I am objecting to the first paragraph being taken out.

Mr. COLEMAN. Mr. President, I have enough difficulty in taking care of my responsibilities to the Commonwealth of Pennsylvania, and accordingly I can not answer the interrogation of the gentleman from Montgomery concerning Wisconsin, but I would like to make this comment: to the everlasting credit of the gentleman from Philadelphia, Senator Kephart he has incorporated more of his ideas in Senate bills through the medium of amendments than any other member of the Senate.

I do not question his motives; on many occasions perhaps his amendments have had a clarifying effect on bills, but I am inclined to think in this particular instance his amendments destroy the original purpose and intention of the bill and I want to raise my voice in feeble protest against the insertion of the amendments in the bill and ask my colleagues to vote them down.

Mr. KEPHART. May I say, Mr. President, in reply to the remarks of the gentleman from Westmoreland, Mr. Dent, the gentleman from Lackawanna, Mr. Coleman, and the gentleman from Philadelphia, Mr. Shapiro, that it is perfectly O. K. with me to put these amendments in as a whole and let the bill go over in its order, without read-

ing, and it is also perfectly all right with me to vote on them separately.

MOTION TO VOTE ON AMENDMENTS SEPARATELY

Mr. SHAPIRO. Mr. President, I move we vote on the amendments separately.

Mr. DENT. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. MUNDY. Mr. President, before the motion is acted upon I want to say I talked to the head of a business concern in Philadelphia, who was formerly from my county, and he told me at the present time there has been deflected out of the retail trade in my county approximately three millions of dollars and that in Philadelphia at present there is, he said, roughly twenty millions of dollars taken away from retailers by the fact that these people can sell at wholesale prices.

Mr. CAVALCANTE. Mr. President, I think we should not only vote down all the amendments, but we ought to vote against the bill itself. We have heard all the discussions for the protection of those who are retailers, but we have not heard a word from anybody about protecting the rights of the people who buy these necessities of life.

Mr. President, I am in favor of permitting the people of this Commonwealth to buy their necessities of life where and how they can buy them, for as cheap a price as possible, and this bill is intended to keep prices up, to protect surely the retailers, but it also makes the people who buy these necessities of life pay a higher price, and I think that we ought to soon turn our minds towards the proposition of making it just as convenient and cheap as possible for the people of this Commonwealth to buy their necessities of life.

Mr. DENT. Mr. President, I do not want to disagree with the gentleman from Fayette, but I just want to call attention to a few things that he has overlooked. Everybody must operate in the sphere that they are entitled to operate by the activities that they engage in, and if a magistrate at home or a justice of peace can give me certain legal advice, because of the fact that he is learned a little of the law, I am not permitted to get it from him because the lawyers do not think it is right. Attorneys have to study law, attorneys have to go to school and attorneys believe they are entitled to the sole privilege of dealing in matters pertaining to law. So, those who have mercantile licenses in Pennsylvania certainly should have the right to sell at retail, they certainly ought to be protected by the licenses they obtain, for which they pay a license fee, and no person, because he receives a five or ten dollar commission on an article that normally sells for two hundred fifty or three hundred dollars—when he is not compelled to have a license, he is not required to pay a legitimate license fee for doing a mercantile business—certainly that man should not be allowed to do that type of business.

Mr. President, I have voted to protect lawyers in their sphere of things, I have voted to protect doctors in their sphere of things and their sphere of activity, and I have voted to protect laborers in their various activities, and I shall vote today to protect the retail merchant in his sphere.

Mr. REED. Mr. President, as I understand this bill, from a reading thereof and from communications I have received from various retailers, this bill will only affect a favored few; it will not affect all the people; it will

affect those who are close or friendly with certain wholesalers or certain employes. They will be the ones that will be favored, but the majority of the people will not be favored, and I think this is a good bill. I agree with the Senator from Westmoreland, Mr. Dent, that the little retailer today must have some protection.

Mr. MUNDY. Mr. President, I am surprised to hear the Senator from Fayette, who has always been a champion of the cause of the underdog and a champion of public rights, now become an advocate of special and vested interests.

As the gentleman from Washington has very well said, this gives the privilege of purchase alone to employes of certain corporations, and the Senator from Fayette would have us believe this is a privilege extended to all the people of Pennsylvania. I reiterate that this is very much tainted with special privilege and it is contrary to many things the Senator from Fayette has advocated in the past.

Mr. SHAPIRO. Mr. President, I should like to say a word in explanation of my asking for a separate vote on these amendments, first, because I think the real amendment that should be voted down is the one which takes out the purpose clause, section 1. That will make necessary voting separately on those changes which have been offered to change the section numbers.

With regard to the other two amendments, I think there is merit in what the gentleman from Philadelphia, Mr. Kephart, says about taking out the words "or to any other person." It should not be made so that a man can not sell his own piano to someone else, so if we vote on these amendments separately I think we can do what is right by the gentleman from Philadelphia, Mr. Kephart, on his meritorious amendments, but I think the main thing is, in my opinion, to defeat the amendment which takes out the purpose clause, which is necessary because the act has already been sustained in other states, of which this bill is a model.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

The Clerk read the first amendment.

On the question,

Will the Senate agree to the amendment?

Mr. GELTZ. Mr. President, I do not know whether separate motions are in order for these individual amendments or not, but if so I am about to move that this amendment be adopted.

The PRESIDENT. For the information of the gentleman from Allegheny that is what we are doing, proceeding section by section.

Mr. GELTZ. Mr. President, I can not see the necessity or the reason for the purpose section, section 1 (a) of this bill. It seems to me it serves no good purpose insofar as making constitutional legislation is concerned. All that it does is make certain statements, particularly on page 1, where we have a finding of fact set forth, which has never been made or found by a legislative body, just the same as in many of the resolutions which are introduced in this body, Mr. President, in connection with the whereas clauses, which on many occasions spoil the resolution instead of adding thereto, and in my judgment the reason and purpose clause set forth in House Bill No. 1023 spoils this bill instead of adding anything beneficial to it.

Mr. KEPHART. Mr. President, I have read the Section 1 that we would remove by this amendment, and now I want to direct the attention of the Senate to Section 2, which, if this amendment is adopted, will be what is left in the bill, and it says:

"No person, partnership, corporation or association engaged in any business or trade in this Commonwealth, shall by any method or procedure, directly or indirectly, by itself or through a subsidiary agency, sell or procure for sale or have in its possession or under its control for sale to its employes or to any other person any article, material, product or merchandise of whatever nature of his or its own production or not handled in his or its regular course of trade or business, provided that —" and then follows the exceptions, so the meat of the bill is still left in there, even though you take this unnecessary clause which makes a finding of fact where we have had no investigation and have no evidence and do not know whether it is so or not, out of the bill.

Mr. SHAPIRO. Mr. President, I would like to say with regard to the legislative finding of fact, if the gentleman will look at the Calendar he will find we have at least three bills in which the whereas clauses make special findings of fact by the Legislature, to which I could reply we never made such an investigation or finding. I suggest a reason, by passing this bill we are making a finding, and we all know as a matter of experience that this method of doing business is injurious in several ways, some of which have been mentioned in the preamble. We all know that the Supreme Court of this Commonwealth has said the Legislature must indicate its intention, and when there are emergency measures or measures which arise because of certain conditions, they must declare those conditions as part of the bill in order to establish the right to pass the legislation, and it is my thought, if that is so, we should have that clause in the bill. If it is not so and if the clause does not help the bill at all, it certainly does not hurt it, and will not affect its constitutional standing, and I view with alarm the procedure at this time of taking out the purpose clause, which is included by every state which has enacted this legislation, and in other legislation enacted on the basis on which this is being passed we have added this purpose clause, and that is the legislative intent.

Mr. GELTZ. Mr. President, I appreciate the explanation of the gentleman from Philadelphia, Mr. Shapiro, but if we pass the bill as it is this body makes certain findings of fact. I, for one, do not by any action of mine want to make a finding that the policy as declared in this bill affects the health of the people of this Commonwealth, nor do I want to make a finding that it affects the safety of the people or the morals or the convenience.

Mr. President, if you want to put a purpose clause in here, put in the real meaning; if you would amend it by adding that it affects the pocket-books of certain merchants, I would be glad to go along with that, because I think we could make that finding of fact.

And the question recurring,

Will the Senate agree to the amendment as read?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—15

Bartlett,
Becker,

Crider,
Ealy,

Heyburn,
James,

Snowden,
Wade,

Cavalcante, Chapman,	Farrell, Geltz,	Kephart, Mallery,	Wilson, H. I.,
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NAYS—21

Coleman, Cox, Crowe, Deltrick, Dent, Edmonds,	Haluska, Homsher, Jaspan, Lanius, Letzler,	McCreesh, Miller, Mundy, Reed, Ruth,	Shapiro, Stevenson, Stiefel, Thomas, Walker,
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So the question was determined in the negative.

The PRESIDENT. The Clerk will read the next amendment.

The Clerk read the amendment as follows:

Amend bill, page 2, line 15, after the word "no" by taking out the number "2" and inserting in lieu thereof the number "1".

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, that now becomes unnecessary, because we have already defeated the first amendment.

AMENDMENT WITHDRAWN

Mr. KEPHART. Mr. President, I withdraw that amendment.

The Clerk read the next amendment as follows:

Amend section 2, now section 1, page 2, lines 20 and 21, after the words "employees" and before the word "any", by taking out the following words: "or to any other person".

On the question,

Will the Senate agree to the amendment?

Mr. SHAPIRO. Mr. President, I should like to interrogate the gentleman from Philadelphia, Mr. Kephart.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. KEPHART. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I can see some point in the gentleman not wanting to have the bill read so that a man who owns a piano will not be able to sell it to someone else, but if the gentleman will look carefully at what he has done, is he not merely restricting one class, by saying a manufacturer must not do this for his employees, but he may do it for anyone else who is not an employee? I think by taking those words out it narrows the purpose of the bill to one class of people.

This business of selling at wholesale is not confined to the employees of a manufacturing establishment. For instance, one of the greatest vices is the case of a manufacturer who produces steel and sells that steel to a manufacturer of refrigerators, and the steel manufacturer through the purchasing agent, will have refrigerators sold and delivered to his customers, counsel and friends, at wholesale prices, to their friends and people who do business with them.

By taking out these words as suggested by the gentleman from Philadelphia, Mr. Kephart, it will have the effect of confining that wholesale restriction to employees only of the concern, but will allow one equally vicious vice to continue, namely, selling to friends, clients, business houses, people with whom they do business, and I think if we want to maintain the purpose of the bill we had better not put that in.

Mr. GELTZ. Mr. President, it seems to me there is

some mix-up in connection with the other amendments, because of the defeat of the first amendment, and I suggest that the amendments be withdrawn and the bill go over in its order.

AMENDMENTS WITHDRAWN

Mr. KEPHART. Mr. President, I withdraw the amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 707, (House Bill No. 1023), on second reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeable to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 739, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in restoring and maintaining the original valley forge at Valley Forge Park.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 774, (House Bill No. 1282), on second reading, entitled:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 851, (House No. 1442), on second reading, entitled:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeable to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 861, (House Bill No. 1036), entitled:

An Act to amend subsection (b) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and per-

sonal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent the natural parent shall retain his or her status as such and shall for purposes of inheritance and devolution be regarded as an adopting parent.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 890, (House Bill No. 139), on second reading, entitled:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 973, (House Bill No. 1130), entitled:

An Act making an appropriation to the Department of Commerce toward expenses of the National Encampment in Philadelphia.

The first section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. EDMONDS. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: Amend title, page 1, line 2 of title, by inserting after the word "Encampment" the following: "of Veterans of Foreign Wars."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1036, (House Bill No. 1526), entitled:

An Act to amend section two hundred seven of the act approved the twenty-fourth day of June one thousand

nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" further prescribing method by which second class townships may be classified as first class townships and providing for the costs and holding of special elections for that purpose.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1086, on second reading, entitled:

An Act relating to elective public offices, the incumbents of which are required by act of Congress to enter military or naval service providing that such offices shall not be considered vacant or the incumbents thereof disqualified by reason of such call to military or naval service; making provisions for certain deputies, assistants or substitutes to perform the functions of such office during the period of such military or naval service or until the terms of office have ended; prescribing the qualifications, powers, duties, liabilities and compensation of such deputies, assistants or substitutes; and defining the extent and effect of said act upon the various incidents of such office including incompatibility, vacancy, compensation, term, misconduct, removal and holding over.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1109, (House Bill No. 957), entitled:

An Act to amend the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625), entitled "An act providing for the creation maintenance and operation of a county employes' retirement system in counties of the third class and imposing certain charges on counties" extending and further regulating such retirement systems.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1112, (House Bill No. 1572), entitled:

An Act to amend the act approved the second day of March one thousand nine hundred thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended by extending enlarging and removing the limitations upon the class of those who may become chattel mortgagees by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages the extension

of the lien and defaults of said mortgages and by defining violations and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1118, (House Bill No. 687), entitled:

An Act to further amend the title and section one of the act approved the third day of May one thousand nine hundred and nine (P. L. 424) entitled "An act providing that in all counties having more than five hundred thousand inhabitants advertisements and notices required by law or rules of court to be published in newspapers of general circulation unless dispensed with by special order of court shall be published in the legal newspaper issued at least weekly of the proper county designated by rules of court for the publication of court or other legal notices" as amended extending the provisions of the said act to counties of the sixth class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1121, (House Bill No. 909), entitled:

An Act to further amend section three hundred three of and to add section three hundred seven of the act approved the twenty-fifth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages or consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by providing for the appointment of assistant managers in Pennsylvania Liquor Stores and by establishing minimum salaries for certain employes of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1135, (House Bill No. 223), entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township Lancaster County or so much thereof as may be necessary as a memorial providing for the control management supervision improvement restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1151, (House Bill No. 1488), entitled:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States during a national emergency under licenses or registrations issued by the Department of Public Instruction and brokers licenses issued by the Department of Insurance to practice professions or to work at trades or occupations and providing for renewals after discharge from such service.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows: Amend Sec. 1, page 2, line 3, by inserting after the word "her" the following: "current"; amend Sec. 1, page 2, lines 3 to 6, both inclusive, by striking out after the word "registration" the following in line 3: "nor shall he or," all of lines 4 and 5, and the following in line 6: "other periodic renewals are required."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1156, (House Bill No. 1529), entitled:

A Supplement to the act, approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance

nance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing additional routes to be used as a part of the national defense program in the County of Cambria.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1158, (House Bill No. 1542), entitled:

An Act to amend route 55121 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing a route in the County of Somerset.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1160, (House Bill No. 1650), entitled:

An Act providing for the cooperation of the Commonwealth and certain political subdivisions thereof with the United States in respect to flood control projects; authorizing the Secretary of Highways on behalf of the Commonwealth, and the authorities of the various counties, cities, boroughs and townships to grant and convey certain rights and easements in and relative to the highways, streets, roads and bridges thereof and lands bordering the same over which such governmental units may have control.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1163, (House Bill No. 1663), entitled:

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W. P. A. Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1185, (House Bill No. 1716), entitled:

An Act to further amend sections three and ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 284) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" by prescribing malt beverage tax rates for certain original containers or standard fractions thereof and providing for refunds of tax for malt or brewed beverages sold to commissaries ship stores and voluntary unincorporated organizations of the Army or the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1196, (House Bill No. 1177), entitled:

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by allocating fees for inspection certificates for promotion of highway safety.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1198, (House Bill No. 1390), entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1199, (House Bill No. 1420), entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon personal property held and managed in this Commonwealth owned held or possessed by residents as trustees agents or attorneys-in-fact jointly with one or more trustees agents or attorneys-in-fact domiciled in another state and by imposing the tax upon equitable interests of residents in personal property held and managed in another state where the legal title to such personal property is held by more than one trustee agent or attorney-in-fact one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth and exempting casualty insurance companies having no capital stock from the tax imposed by this act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1205, (House Bill No. 1611), entitled:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owners.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend section 1, page 1, line 10, by striking out the word [shall] before the word "upon" and inserting in lieu thereof the word: "may"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections were read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. WADE. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend the title, page 1, line 2, by striking out after the word "and" the word [requiring] and inserting in lieu thereof the word: "empowering"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1207, (House Bill No. 1665), entitled:

An Act to amend section six hundred and five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by providing that said section shall not apply to certain games or devices where free plays are given or allowed; and providing that such free plays shall not be considered things of value.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1217, (House Bill No. 1798), entitled:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1224, (House Bill No. 1013), entitled:

An Act to repeal section five of the act, approved the fourth day of May, one thousand nine hundred and five (P. L. 385), entitled "An act creating the Water Supply Commission of Pennsylvania; defining its duties: fixing the scope of its authority and powers and making an appropriation for the payment of the salaries and expenses connected therewith" prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1226, (House Bill No. 1101), entitled:

An Act to amend sections one thousand five hundred and one and one thousand five hundred and eight of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating sewer connections and sewer district assessments in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1237, (House Bill No. 1643), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, and resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay assess, or collect taxes or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for the manner of payment of escheator's fees, informant's commissions, and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat, designating the funds to which said moneys shall be credited, and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1241, (House Bill No. 1719), entitled:

An Act to add clause (k) to section two thousand one hundred two, and to repeal clause (d) of section two thousand one hundred ten of the act, approved the ninth

day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health, to conform with the provisions of the Public Utility Law.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1242, (House Bill No. 1721), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire a certain tract of land for the use of Pennsylvania Industrial School and making an appropriation therefore.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1246, (House Bill No. 1771), entitled:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce annulment of marriage adoption and annulment of adoption proceedings providing for the registration of such certificates by the said department the issuance of certified copies thereof and fixing fees and penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1248, (House Bill No. 1826), entitled:

An Act to amend part of section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "An act pro-

viding for the taking over by the Commonwealth, under certain terms, conditions and limitations of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, constructions, reconstructions, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," changing a certain route in the City of Johnstown.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1249, (House Bill No. 1827), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters, and for the landscaping thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1260, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing a certain route.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 1262. (House Bill No. 753), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire certain lands adjacent to and for the use of the Scranton State Hospital providing for the improvement and use thereof authorizing the City of Scranton to pay the costs of such improvements in whole or in part and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1264, (House Bill No. 1370), entitled:

An Act to amend section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" further regulating the removal discharge or reduction in pay or position of officers clerks and employees in the classified civil service

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1271, (House Bill No. 1802), entitled:

An Act providing for and requiring in certain cases preference in appointments to public position for honorably discharged persons who served in the military or naval service during any War in which the United States was engaged

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1274, House Bill No. 1178), entitled:

An Act providing that the compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1276, (House Bill No. 1365), entitled:

An Act to amend the act approved the first day of May

one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as variously amended; authorizing the Secretary of Revenue to establish a system of permanent registration of vehicles; and further regulating the operation of vehicles, and the suspension of registrations and operating privileges; giving the Pennsylvania Turnpike Commission power to regulate traffic on turnpike; extending the time limit for cities of the second class A to make certain changes in traffic signals; extending the liability of political subdivisions to include negligent operation of their vehicles drawn by animal power amplifying and changing provisions of said act relating to lighting signal and warning devices redefining the terms realer further regulating dealers in junked vehicle permits for oversize, and overweight vehicles use of school buses registration plates and cards maximum size of vehicles and medical examinations by physicians providing for payment of certain fees by counties limiting and providing new exemptions from the various provisions of said act giving additional authority to peace officers and department employes in the manner of investigations further regulating prosecutions giving certain powers to local authorities for the regulation of traffic and the establishment of traffic courts changing and fixing additional fees changing and imposing new penalties giving the secretary additional powers and duties imposing additional duties on keepers and employers of garages and repair shops providing refunds to certain persons entering Federal services and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ, Mr. President, I move that Senate Bill No. 1276, the bill just read, be recommitted to the Committee on Highways, for the purpose of further consideration.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1280, (House Bill No. 1825), entitled:

An Act establishnig a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1288, (House Bill No. 1501), entitled:

An Act authoriznig the Secretary of the Department of Forests and Waters to lease a tract of land in Jackson Township Dauphin County to the Susquehannock Indian Tribe.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1289, (House Bill No. 1631), entitled:

An Act authorizing and directing the Department of Highways to erect construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum Allegheny County and a point in Westmoreland County and to provide the necessary approaches and connections with State highways providing for the acceptance of Federal aid empowering counties to pay certain damages and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1290, (House Bill No. 1720), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1291, (House Bill No. 1765), entitled:

An Act repealing and abandoning as a State Highway State highway Routes 03123 in Armstrong County; and providing for the reversion thereof to the townships.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1300, entitled:

An Act to amend sections 410 and 411 of the act approved the third day of June, one thousand nine hundred and thirty-seven P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by eliminating the requirements that owners make available open public hunting areas contiguous to regulated shooting grounds and changing shooting restrictions on regulated shooting grounds.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1086, ON SECOND READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1086, on second reading, which went over in its order, on page 19 of the Calendar.

Mr. COX. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. In explanation, Mr. President, I might say previously we asked that this bill go over in order, due to a misunderstanding in connection with section 3, but now we desire that it receive second reading, unless there be objection.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1086, entitled:

An Act relating to elective public offices, the incumbents of which are required by act of Congress to enter military or naval service providing that such offices shall not be considered vacant or the incumbents thereof disqualified by reason of such call to military or naval service; making provisions for certain deputies, assistants or substitutes to perform the functions of such office during the period of such military or naval service or until the terms of office have ended; prescribing the qualifications, powers, duties, liabilities and compensation of such deputies, assistants or substitutes; and defining the extent and effect of said act upon the various incidents of such office including incompatibility, vacancy, compensation, term, misconduct, removal and holding over.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL from the Committee on Appropriations reported as committed, Senate Bill No. 1306, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

BILL INTRODUCED

Mr. EALY, by request. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY read in place and presented to the Chair Senate Bill No. 1308, entitled:

An Act to further amend the first paragraph of section three of the act, approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 912), entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties," by extending the exception from registration and licensing requirements.

Which was committed to the Committee on Agriculture.

Mr. EALY. The presentation of this bill is said to be necessary because of an interpretation of the law by one of our lower courts.

REPORTS FROM COMMITTEES

Mr. STEVENSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STEVENSON from the Committee on Appropriations reported as committed, Senate Bill No. 606, (House Bill No. 434), entitled:

An Act making an appropriation to the Pennsylvania Department of Highways for the improvement of roads and parking areas within the Daniel Boone Homestead.

PERMISSION TO ADDRESS SENATE

Mr. HALUSKA. Mr. President, I ask permission to address the Senate.

The PRESIDENT. If there is no objection, the gentleman from Cambria may proceed.

Mr. HALUSKA. Mr. President, this afternoon we had a simple demonstration of right versus might. I am satisfied that I was right and I am also satisfied the votes were against me. When right and might come together something must happen in time, and I hope I shall be in this chamber when right will once again prevail over might.

I had a resolution which I prepared and by which I tried to enlighten my colleagues so that they might be in a position to answer my interrogations.

This afternoon, Mr. President, I interrogated a number of Senators upon the resolution, serial number 118, and no one seemed to have any knowledge of its contents. Therefore, I prepared a resolution asking that the Secretary of Public Assistance give this body the information desired. My colleague from Allegheny objected and did not give my opportunity to present that resolution.

Fortunately, Mr. President, I have before me now the required information, but I will be selfish, I will keep it to myself. It was given to me by one of my Republican friends, a colleague in this chamber. I shall study this letter, an answer from the Department of Public Assistance, and on Monday if I may be permitted, I shall inter-

rogate the gentleman from Allegheny County upon the contents of this letter. I trust he will be in position to answer me, because I expect to bring that resolution to a head.

Therefore, Mr. President, I will not introduce my resolution, and if the gentleman desires any more information let him present his own resolution, and have it passed by this body and be prepared to answer my interrogation on Monday.

Mr. GELTZ. Mr. President, I am sorry my colleague from Cambria, Senator Haluska, has decided not to introduce his resolution, for I was about to give another example of might or right, as the case might be, by seconding his motion for immediate consideration.

Mr. KEPHART. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KEPHART from the Committee on Agriculture reported as committed, Senate Bill No. 1308, entitled:

An Act to further amend the first paragraph of section three of the act, approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 912) entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties," by extending the exception from registration and licensing requirements.

MOTION TO READ BILLS THE FIRST TIME

Mr. SHAPIRO. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 606, (House Bill No. 434), entitled:

An Act making an appropriation to the Pennsylvania Department of Highways for the improvement of roads and parking areas within the Daniel Boone Homestead.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 966, (House Bill No. 955), entitled:

An Act to amend section ninety-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating use of gill-nets in boundary lakes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1166, (House Bill No. 1686), entitled:

An Act relating to certain civil rights and liabilities of persons in the armed service of the United States providing for the suspension of the enforcement of certain civil liabilities; providing for the re-employment of such persons upon completion of such service; and imposing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1174, entitled:

An Act to amend the act, approved the twentieth day of May, one thousand nine hundred and thirty-seven (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employees thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation," as amended, by providing for the payment of fees and expenses of the members of said board not properly chargeable as costs of proceedings before it, further prescribing procedure, and further defining the jurisdiction of said board.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1206, (House Bill No. 1621), entitled:

An Act to add section forty-three to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," authorizing compromise of tax claims in cases where there is a dispute as to the domicile of the decedent.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1238, (House Bill No. 1648), entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers

and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as variously amended, by changing registration years, fractions of registration years, operator's license years; extending the time for exemption from fees for transfer of registration to conform with changed registration year; reducing operator's license fee; and giving the secretary power to determine whether certain motor vehicles are of tractor type.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1269, (House Bill No. 1652), entitled:

An Act to further amend sections eight and eleven of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by giving the secretary discretionary power, under certain circumstances, to suspend operators' licenses; and providing for notice and hearing before suspension of licenses and registration.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1305, (House Bill No. 1919), entitled:

An Act to amend sections 103 301 304 305 307 308 310 311 401 402 403 404 405 410 501 502 503 505 506 508 510 511 512 513 703 801 802 803 804 807 808 809 904 1003 and 1101 of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and

testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission enabling certain officers employees and agents to administer oaths providing the method and effect of service of certain orders and the posting of rules regulations and certain orders enabling employees of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders requiring milk dealers or handlers to be licensed stating grounds for refusal suspension revocation of licenses and the right to transfer licenses stating grounds for refusal of the right to apply for a license stating the effect of service by registered mail enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers prescribing the effective date and term of such bonds and providing for their release providing for the increase or decrease of the amounts of bonds prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds providing for payment to those entitled thereto of moneys in the hands of the commission owing from dealers or handlers to producers and from sub-dealers or subhandlers to dealers or handlers increasing the scope of regulation of subdealers or subhandlers making certain information available to cooperatives and producers' groups clarifying the requisites of orders fixing price for milk providing for the competency of certain statistical testimony and data providing that all provisions of price-fixing orders shall be presumed to be valid and placing the burden of proving any invalidity of any order or part thereof stating the effect of partial invalidity of price-fixing orders defining violations of orders of the commission fixing prices making milk dealers or handlers responsible for acts of their directors officers agents or other persons acting for or on behalf of them giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk further regulating and imposing duties on milk dealers or handlers prescribing procedure on appeal from orders of the commission further defining and prescribing penalties defenses rights and remedies and providing for the payment of funds in the hands of the commission owing producers or dealers or handlers to those entitled thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1306, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1308, entitled:

An Act to further amend the first paragraph of section three of the act, approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 912) entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties," by extending the exception from registration and licensing requirements.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

HOUSE MESSAGES

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 303

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 30, 1941.

Resolved (If the House of Representatives concur) That Senate Bill No. 303, entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on certain State highways in cities of the first class.

be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 419

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 30, 1941.

Resolved (If the House of Representatives concur) That Senate Bill No. 419, entitled:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg, in the county of Dauphin, and the borough of New Hope, in the county of Bucks.

be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 151

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 30, 1941.

Resolved (If the House of Representatives concur) That Senate Bill No. 151, entitled:

An Act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office, and validating deeds heretofore so executed.

be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 599

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 30, 1941.

Resolved (If the House of Representatives concur) That Senate Bill No. 599, entitled:

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidders after due advertising and requiring all purchases to be made through the purchasing department of the county

be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 572

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 30, 1941.

Resolved (If the House of Representatives concur) That Senate Bill No. 572, entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

be recalled from the Governor for the purpose of amendment.

RECALLING HOUSE BILL No. 472, PRINTER'S No. 680, FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur) That House Bill No. 472, Printer's No. 680, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 650, PRINTER'S No. 164,
FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur) That House Bill No. 650, Printer's No. 164, entitled:

To amend section seven of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "City State Highway Law," as last amended, by providing for the changing of width, lines, location or grades of streets in cities of the second class, second class A and third class, by the Department of Highways without the consent of the city in which said street is located; relieving the city from liability for damages in such cases; and imposing liability for damages upon the Commonwealth of Pennsylvania.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 1003, PRINTER'S No. 591, FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 1003, Printer's No. 591, entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 502, PRINTER'S No. 783,
FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 502, Printer's No. 783, entitled:

Authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania, certain land which is the site of an old fort known as Old Garrison in the City of Franklin, Venango County, or so much thereof as may be necessary as a historical memorial; providing for the control, management, supervision and improvement thereof; authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof; authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison; and making an appropriation.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 1591, PRINTER'S No. 634, FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 1591, Printer's No. 634, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 351, PRINTER'S No. 600,
FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 351, Printer's No. 600, entitled:

Making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 611, PRINTER'S No. 773,
FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 611, Printer's No. 773, entitled:

An Act providing for the acquisition by the Department Forests and Waters, in the name of the Commonwealth, certain lands in Luzerne, Sullivan, and Wyoming Counties, for use of as a State Park; making an appropriation for said acquisition; providing for the management of said property by said department and defining the uses to which the property shall be put.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 1659, PRINTER'S No. 775, FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 1659, Printer's No. 775 entitled:

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons, associations and corporations.

be recalled from the Governor for further consideration.
Ordered, That the Clerk inform the House of Representatives accordingly.

**RECALLING HOUSE BILL No. 614, PRINTER'S No. 616,
FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 614, Printer's No. 616, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 1590, PRINTER'S No. 572, FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 1590, Printer's No. 572, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum, Philadelphia.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RECALLING HOUSE BILL No. 305, PRINTER'S No. 737,
FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 305, Printer's No. 737, entitled:

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RECALLING HOUSE BILL No. 281, PRINTER'S No. 586,
FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 281, Printer's No. 586, entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 1334, PRINTER'S No. 588, FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 1334, Printer's No. 588, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 1321, PRINTER'S No. 602, FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 1321, Printer's No. 602, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RESOLUTION RECALLING HOUSE BILL No. 1065,
PRINTER'S No. 599, FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 1065, Printer's No. 599, entitled:

An Act making an appropriation to the National Farm School, at Doylestown, Pennsylvania.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RESOLUTION RECALLING HOUSE BILL No. 1068,
PRINTER'S No. 592, FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.
Resolved, (if the Senate concur) That House Bill No. 1068, Printer's No. 592, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RESOLUTION RECALLING HOUSE BILL No. 1722,
PRINTER'S No. 836, FROM THE GOVERNOR.**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 1722, Printer's No. 836, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Warren State Hospital, to acquire a certain tract of land for the use of said hospital, and making an appropriation therefor.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RESOLUTION RECALLING HOUSE BILL No. 107,
PRINTER'S No. 742, FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 107, Printer's No. 742, entitled:

An Act to amend section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 395) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RESOLUTION RECALLING HOUSE BILL No. 404,
PRINTER'S No. 1059, FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 404, Printer's No. 1059, entitled:

An Act relating to marriage; and amending, revising consolidating and changing the law relating thereto.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RESOLUTION RECALLING HOUSE BILL No. 280,
PRINTER'S No. 583, FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 280, Printer's No. 583, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RECALLING HOUSE BILL No. 267, PRINTER'S No. 713,
FROM THE GOVERNOR**

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 1, 1941.

Resolved, (if the Senate concur) That House Bill No. 267, Printer's No. 713, entitled:

An Act making an appropriation to aid certain school districts.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, July 7, 1941 at 3:30 o'clock p. m. Eastern Standard Time.

Mr. CAVALCANTE. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 5:22 o'clock, p. m. Eastern Standard Time until Monday, July 7, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 1, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain Rev. Donald McFall offered the following prayer:

Gracious God, our Father, we confess unto Thee our sins and shortcomings. The good which we should do we so often do not do; and the evil which we should not do, that we do. Our wills are weak. Our faith in Thee needs to be rekindled. We are so prone to make wrong choices. Give each of us, our God, the honesty to recog-

nize our true condition. Grant unto us the power of Thy Spirit, which will help us to do that which we ought to do and to love that which we ought to love.

Bless our homes and our loved ones. Make us worthy citizens of this great Commonwealth. This we ask in Jesus' name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. McDOWELL, unanimously agreed to, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 653 (HOUSE BILL No. 1936)

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth, vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employees of the Commonwealth authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making an appropriation and repealing certain acts and parts thereof

Referred to the Committee on State Government.

SENATE BILL No. 654 (HOUSE BILL No. 1937)

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

Referred to the Committee on State Government.

SENATE BILL No. 736. (HOUSE BILL No. 1938)

An Act to amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth

by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, by adding subsection (d) authorizing departments, boards, or commissions to grant easements or rights of way upon, across, over, under or along lands of the Commonwealth, under certain conditions, in the interest of National Defense.

Referred to the Committee on State Government.

SENATE BILL No. 883. (HOUSE BILL No. 1939)

An Act to enlarge the powers of the Navigation Commission for the Delaware River and its navigable tributaries with respect to the maintenance, operation and financing of a nautical school for the Commonwealth of Pennsylvania.

Referred to the Committee on State Government.

SENATE BILL No. 913. (HOUSE BILL No. 1940)

An Act authorizing and directing the Department of Revenue, to prepare airport approach plans for publicly owned airports; empowering and directing such department and also counties, municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations, limiting the height of structures excepting those structures that are under the jurisdiction of the Pennsylvania Public Utility Commission and objects of natural growth, and otherwise regulating the use of property in the vicinity of such airports; providing for the granting of zoning permits and variances and for appeals from zoning regulations; authorizing the acquisition by purchase, grant or condemnation of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby

Referred to the Committee on State Government.

SENATE BILL No. 1190. (HOUSE BILL No. 1941)

An Act making an appropriation to the Department of Public Instruction for the cost of improving, repairing, operating and maintaining the Thaddeus Stevens Industrial School at Lancaster, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1096 (HOUSE BILL No. 1942)

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and other interested in real estate, and loss by reason of defective titles, liens and encumbrances, and of companies entitled to the benefits of, and of companies having any of the powers of, com-

panies' entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by basing the tax upon the book value of the shares; continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

Referred to the Committee on Ways and Means.

SENATE BILL No. 1097 (HOUSE BILL No. 1943)

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred and ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation," by redefining the base for taxation of shares of stock of banks and savings institutions, and by increasing the rate of tax for a further limited period of time

Referred to the Committee on Ways and Means.

SENATE BILL No. 1257 (HOUSE BILL No. 1944)

An Act to amend section one of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1016), entitled "An act relating to aeronautics; providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth; providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth; conferring powers and duties on the Department of Revenue with respect thereto; and repealing certain acts and parts of acts," by extending the powers of the department in relation to air transport facilities.

Referred to the Committee on State Government.

SENATE BILL No. 1259 (HOUSE BILL No. 1945)

An Act to amend article twenty of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commission defining the powers and duties of the Governor and other executive and administrative boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by authorizing the Department of Highways to construct repair and maintain certain facilities of airports.

Referred to the Committee on State Government.

SENATE BILL No. 492 (HOUSE BILL No. 1946)

An Act making an appropriation to the Pennsylvania

Historical Commission for the purchase of furniture and furnishings of the proper period to complete the "Pennsbury Memorial," and to landscape the property connected therewith.

Referred to the Committee on Appropriations.

SENATE BILL No. 526 (HOUSE BILL No. 1947)

A Supplement to the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" establishing and additional route in the boroughs of South Langhorne Langhorne Manor and Langhorne Bucks County.

Referred to the Committee on Highways.

SENATE BILL No. 656 (HOUSE BILL No. 1948)

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the borough of Sellersville, Bucks County.

Referred to the Committee on Highways.

SENATE BILL No. 1283 (HOUSE BILL No. 1949)

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making and appropriation to carry out the provisions of said act" establishing an additional route in the County of Warren.

Referred to the Committee on Highways.

SENATE BILL No. 1296 (HOUSE BILL No. 1950)

A Act to amend section one of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by reducing the number of judges of said court.

Referred to the Committee on Judiciary General.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. MARKS for himself for today on account of death in the family.

REPORTS FROM COMMITTEES

Mr. BOIES, from the Committee on Appropriations, reported as committed, House Bill No. 1930, entitled:

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire, by gift, the monument erected in Greene

County to Sarah Jane Price Ackley; and providing for the control, management, supervision, and maintenance thereof.

Mr. KLINE, from the Committee on State Government, reported as committed, House Bill No. 1831, entitled:

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the state, as provided in section ten of the act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April; nineteen hundred and five, and providing penalties for violations of this act," by directing the Department of Health to maintain branch offices in counties of the second class for the filing of death certificates; authorizing such offices to issue certified copies of death certificates and make searches of their files; imposing additional duties upon legal registrars in such counties; and prescribing fees.

Mr. McKINNEY, from the Committee on Judiciary General, reported as committed, House Bill No. 1895, entitled:

An Act to amend section five of the act, approved the fourth day of April, one thousand nine hundred twenty-nine (P. L. 144), entitled "An act prescribing the powers and duties of the Department of agriculture with regard to farm products; providing for cooperation with the Department of Internal Affairs to establish standard receptacles for farm products; authorizing the Department of Agriculture to establish and promulgate standards for the grade and other classification of farm products, and to promulgate regulations for the enforcement thereof; defining farm products to include agricultural, horticultural, vegetable, fruit, and floricultural products of the soil, live stock and meats, wool, hides, poultry, eggs, dairy products, nuts, mushrooms, and honey; and providing penalties," by including certificates of the United States Department of Agriculture as evidence of grade and classification.

Mr. BROWN, from the Committee on Appropriations, reported as committed, House Bill No. 1733, (Senate Bill No. 262), entitled:

A Supplement to the act approved the twelfth day of June, one thousand nine hundred and thirty-nine (P. L. 335), entitled "An act creating a temporary commission to examine, report upon, and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation of the expenses of such commission" by extending the term of such commission until the next regular session of the General Assembly; and making an appropriation.

Mr. MATTHEW J. WELSH, from the Committee on Appropriations, reported as committed, House Bill No. 1903, (Senate Bill No. 1173), entitled:

An Act authorizing the Department of Property and Supplies to purchase coal underlying the Cresson State Sanatorium and making an appropriation therefor.

Mr. HARKINS, from the Committee on Appropriations,

reported as committed, House Bill No. 1754, (Senate Bill No. 509), entitled:

An Act making an appropriation to the State Council for the Blind for use in supplying medical treatment, surgical operations, eye-glasses or other necessary aids or services to needy blind persons or persons with impaired vision.

Mr. POLASKI, from the Committee on State Government, reported as committed, House Bill No. 1894, (Senate Bill No. 935), entitled:

An Act to amend sections six hundred four, six hundred five, and six hundred seven and to further amend section two thousand four hundred seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all-deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by further defining the duties of the Department of Internal Affairs.

Mr. CULLEN, from the Committee on State Government, reported as committed, House Bill No. 1891, (Senate Bill No. 1019), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphan School to acquire a certain tract of land for the use of said school and making an appropriation therefor.

Mr. WINNER, from the Committee on Ways and Means, reported as committed, House Bill No. 1674, (Senate Bill No. 374), entitled:

An Act to provide for the settlement of disputes among states with respect to domiciliary death taxes, and imposing certain duties upon the Department of Revenue, the Attorney General and executors and administrators.

Mr. HIRSCH, from the Committee on Ways and Means, reported as committed, House Bill No. 1821, (Senate Bill No. 77), entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by exempting assets held by liquidating trustees.

Mr. McDERMOTT, from the Committee on State Government, reported as amended, House Bill No. 1935, entitled:

An Act to further amend clause six of section one and section three of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by further defining "State employee" so as to include certain employees of the Board of Fish Commissioners providing that such employees shall have the option of joining the State Employees Retirement Association; and permitting their membership in such association to be retroactive upon the making of certain back payments by them and by the Board of Fish Commissioners.

Mr. MODEL, from the Committee on Judiciary General, reported as amended, House Bill No. 629, entitled:

An Act to amend section one of, and to add section three and one-tenth to the act, approved the twentieth day of June, one thousand nine hundred and one (P. L. 582), entitled "An act to provide for the registration of labels, trade-marks, trade-names, stamps, designs, devices, shop-marks, terms, brands, designations, descriptions, or forms of advertisement, and protect and secure the rights, property and interest therein of the persons, copartnerships or corporations adopting and filing the same, and providing penalties for the violations of the act," further regulating the registration of labels, trade-marks, trade-names, devices, shopmarks, designations and forms of advertisement, and providing for the cancellation of such registrations in certain cases.

Mr. GERARD, from the Committee on Appropriations, reported as amended, House Bill No. 1822, (Senate Bill No. 158), entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of certain soldiers, sailors, marines, female field clerks, yeomen (female) and nurses.

Mr. WEINGARTNER, from the Committee on Judiciary General, reported as amended, House Bill No. 1929, (Senate Bill No. 1098), entitled:

An Act relating to the sale transfer assignment and pledge of accounts receivable and requiring the assignor of accounts receivable to make appropriate record of the fact of such assignment and prescribing penalties for failure to do so.

Mr. STANK, from the Committee on Liquor Control, re-reported as committed, House Bill No. 799, entitled:

An Act to further amend clause nine and ten of section six hundred two of the act, approved the twenty-ninth day of November; one thousand nine hundred and thirty-three (P. L. 15, 1933 and 34), entitled as amended "An act to regulate and restrain the sale, manufacture possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into

the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by increasing the allowed value of advertising matter displayed on the inside or outside of licensed premises.

Mr. LOVETT, from the Committee on Rules, reported as committed, House Resolution No. 107.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1098.

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court.

HOUSE BILL No. 1203.

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education

HOUSE BILL No. 1259.

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employees' retirement system in counties of the fourth class; and imposing certain charges on counties and fixing penalties

HOUSE BILL No. 1315.

An Act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-seven (P. L. 589) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city

indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of the act" by adding new sections making certain changes in the designation of certain streets taken over as State highways and adding thereto certain additional streets providing for the taking opening relocation widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and the city or either of them designating the city as agent for the Commonwealth in such taking opening relocation widening or change of grade and the determination of damages arising therefrom authorizing agreements for the taking opening relocation widening change of grade construction reconstruction repair and maintenance of such State highways appropriating money in the Motor License Fund for the purposes of the act as amended.

HOUSE BILL No. 1543.

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court and the Bureau of Vital Statistics of the Department of Health

HOUSE BILL No. 1661.

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred and thirty-nine (P. L. 111), entitled "An act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws" providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 348.

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendment. The Clerk read the amendment as follows:

Amend Section 1, page 1, by striking out in lines 2 and 3 the word and figures "three hundred fifty thousand dollars (\$350,000)" and inserting in lieu thereof the words and figures "four hundred ten thousand dollars (\$410,000)"; also on page 2, by striking out in lines 4 and 5 the words and figures "three hundred fifty thousand dollars (\$350,000)" and inserting in lieu thereof the words

and figures "four hundred ten thousand dollars (\$410,000)."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Fiss,	Lovett,	Royer,
Allmond,	Fleming,	Lyons,	Rush,
Auker,	Fletcher,	Malloy,	Sarraff,
Baker,	Flynn,	Maxwell,	Scanlon,
Balthaser,	Foor,	McClanaghan,	Serrill,
Bentley,	French,	McClester,	Shaffer,
Bentzel,	Gates,	McDermott,	Shaw,
Boles,	Gerard,	McDowell,	Shepard,
Boney,	Gillan,	McFall,	Simons,
Boorse,	Gillette,	McGrath,	Skale,
Bower,	Goodwin,	McIntosh,	Snyder,
Bradley,	Gross,	McKinney,	Sollenberger,
Bretherick,	Cyger,	McLanahan,	Sorg,
Brown,	Habbyshaw,	McMillen,	Stambaugh,
Brunner, C. H.,	Haberlen,	McSurdy,	Stank,
Brunner, P. A.,	Haines,	Melchiorre,	Stine,
Burns,	Hall,	Mihm,	Stockham,
Burriss,	Hall,	Modell,	Tarr,
Cadwalader,	Hare,	Monks,	Tate,
Chervenak,	Harkins,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Hering,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hewitt,	Nagel,	VanAllsburg,
Cooper,	Hirsch,	Nunemacher,	Vincent,
Cordier,	Huntley,	O'Brien,	Voldow,
Corrigan,	Imbrie,	O'Connor,	Voorhees,
Cullen,	James,	O'Dare,	Wagner,
Dairymple,	Jefferson,	O'Mullen,	Watkins,
Dennison,	Jones, G. E.,	O'Neill,	Weingartner,
DiGenova,	Jones, P. N.,	Owens,	Weiss,
Dix,	Kenehan,	Pettit,	Welsh, E. B.,
Dolon,	Kline,	Polaski,	Welsh, M. J.,
D'Ortona,	Knoble,	Polen,	Williams,
Duffy,	Kolankiewicz,	Powers,	Winner,
Early,	Krise,	Rank,	Wolf,
Eckels,	Lee, E. A.,	Readinger,	Wood, L. H.,
Elder,	Lee, T. H.,	Reagan,	Woodring,
Elliot,	Lelsey,	Reese, D. P.,	Woodside,
Ely,	Leonard,	Reese, R. E.,	Wright,
Falkenstein,	Lesko,	Reynolds,	Yeakel,
Finestone,	Levy,	Rhea,	Yester,
Finnerty,	Leydic,	Riley,	Young,
Fisher,	Lichtenwalter,	Rose, W. E.,	Kilroy,
	Longo,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1837.

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to reg-

ulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendment affirmative and the amendment was concurred in.

Amend Section 1, page 6, line 17, by inserting after the word "rubbish" the word "dirt."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Fleming,	Lovett,	Royer,
Allmond,	Fletcher,	Lyons,	Rush,
Auker,	Flynn,	Malloy,	Sarraf,
Baker,	Foor,	Maxwell,	Scanlon,
Balthaser,	French,	McClanaghan,	Serrill,
Bentley,	Gates,	McClester,	Shaffer,
Bentzel,	Gerard,	McDermott,	Shaw,
Boles,	Gillan,	McDowell,	Shepard,
Boney,	Gillette,	McFall,	Simons,
Boorse,	Goodwin,	McGrath,	Skale,
Bower,	Gross,	McIntosh,	Snyder,
Bradley,	Gyger,	McKinney,	Sollenberger,
Bretherick,	Habbyshaw,	McLanahan,	Sorg,
Brown,	Haberlen,	McMillen,	Stambaugh,
Brunner, C. H.,	Haines,	McSurdy,	Stank,
Brunner, P. A.,	Hall,	Melchiorre,	Stine,
Burns,	Hamilton,	Mihm,	Stockham,

Burris,	Hare,	Modell,	Tarr,
Cadwalader,	Harkins,	Monks,	Tate,
Chervonak,	Heatherington,	Mooney,	Taylor,
Chudoff,	Hering,	Moran,	Thompson, E. F.,
Cochran,	Herman,	Muir,	Trout,
Cohen, M. M.,	Hewitt,	Munley,	Turner,
Cohen, R. E.,	Hirsch,	Nagel,	VanAllsburg,
Cooper,	Huntley,	Nunemacher,	Vincent,
Cordier,	Imbrie,	O'Brien,	Voldow,
Corrigan,	James,	O'Connor,	Voorhees,
Cullen,	Jefferson,	O'Dare,	Wagner,
Dalrymple,	Jones, G. E.,	O'Mullen,	Watkins,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Kenehan,	Owens,	Weiss,
Dix,	Kilne,	Pettit,	Welsh, E. B.,
Dolon,	Knoble,	Folaski,	Welsh, M. J.,
D'Ortona,	Kolankiewicz,	Polen,	Williams,
Duffy,	Krise,	Powers,	Winnier,
Early,	Lee, E. A.,	Rank,	Wolf,
Eckels,	Lee, T. H.,	Readinger,	Wood, L. H.,
Elder,	Lelsey,	Reagan,	Woodring,
Elliot,	Leonard,	Reese, D. P.,	Woodside,
Ely,	Lesko,	Reese, R. E.,	Wright,
Falkenstein,	Levy,	Reynolds,	Yeakel,
Finestone,	Leydic,	Rhea,	Yester,
Finnerty,	Lichtenwalter,	Riley,	Young,
Fisher,	Longo,	Rose, W. E.,	Kilroy,
Fiss,		Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1092.

An Act making an appropriation for the expenses of the committee of the House of Representatives created by House Resolution Serial Number forty-nine, adopted the nineteenth day of February, one thousand nine hundred forty-one.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendment. The Clerk read the amendment as follows:

Amend Section 1, page 1, line 1, by striking out the words and figures "ten thousand dollars (\$10,000)" and inserting in lieu thereof the words and figures "thirty-five hundred dollars (\$3,500)."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Flas,	Lovett,	Royer,
Allmond,	Fleming,	Lyons,	Rush,
Auker,	Fletcher,	Malloy,	Sarraf,
Baker,	Flynn,	Maxwell,	Scanlon,
Balthaser,	Foor,	McClanaghan,	Serrill,
Bentley,	French,	McClester,	Shaffer,
Bentzel,	Gates,	McDermott,	Shaw,
Boles,	Gerard,	McDowell,	Shepard,
Boney,	Gillan,	McFall,	Simons,
Boorse,	Gillette,	McGrath,	Skale,
Bower,	Goodwin,	McIntosh,	Snyder,
Bradley,	Gross,	McKinney,	Sollenberger,
Bretherick,	Gyger,	McLanahan,	Sorg,
Brown,	Habbyshaw,	McMillen,	Stambaugh,
Brunner, C. H.,	Haberlen,	McSurdy,	Stank,
Brunner, P. A.,	Haines,	Melchiorre,	Stine,

Burns,	Hall,	Mihm,	Stockham,
Burris,	Hamilton,	Modell,	Tarr,
Cadwalader,	Hare,	Monks,	Tate,
Chervenak,	Harkins,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Hering,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hewitt,	Nagel,	Van Allsburg,
Cooper,	Hirsch,	Nunemacher,	Vincent,
Cordier,	Huntley,	O'Brien,	Voldow,
Corrigan,	Imbrie,	O'Connor,	Voorhees,
Cullen,	James,	O'Dare,	Wagner,
Dalrymple,	Jefferson,	O'Mullen,	Watkins,
Dennison,	Jones, G. E.,	O'Neill,	Weingartner,
DiGenova,	Jones, P. N.,	Owens,	Weiss,
Dix,	Kenehan,	Pettit,	Welsh, E. B.,
Dolan,	Kline,	Polaski,	Welsh, M. J.,
D'Ortona,	Knoble,	Polen,	Williams,
Duffy,	Kolankiewicz,	Powers,	Winner,
Early,	Krise,	Rank,	Wolf,
Eckels,	Lee, E. A.,	Readinger,	Wood, L. H.,
Eider,	Lee, T. H.,	Reagan,	Woodring,
Elliott,	Lelsey,	Reese, D. P.,	Woodside,
Ely,	Leonard,	Reese, R. E.,	Wright,
Falkenstein,	Lesko,	Reynolds,	Yeakel,
Finestone,	Levy,	Rhea,	Yester,
Finnerty,	Leydic,	Riley,	Young,
Fisher,	Lichtenwalter,	Rose, W. E.,	Kilroy,
	Longo,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

APPOINTMENT OF CONFERENCE COMMITTEE ON
SENATE BILL No. 418

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 418, entitled:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirteenth of each year as Commodore John Barry Day

And has appointed Messrs. Wade, Carr and McCreesh a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-curred in by the Senate to Senate Bill No. 418, and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE
ON SENATE BILL No. 418

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. FINNERTY, CULLEN and O'DARE.

Ordered, That the Clerk inform the Senate accordingly.

APPOINTMENT OF CONFERENCE COMMITTEE ON
SENATE BILL No. 624

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the

amendments made and insisted upon by the House of Representatives to Senate Bill No. 624, entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith" by increasing the minimum salaries of teachers in school districts of the fourth class and requiring the Commonwealth to make certain payments on account of such salaries

And has appointed Messrs. Homsher, James and Ruth a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 624, and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE
ON SENATE BILL No. 624

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. POLEN, PETTIT and SOLLENBERGER.

Ordered, That the Clerk inform the Senate accordingly.

Mr. HUNTLEY IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1882, entitled:

An Act to amend section seven of the act, approved the sixteenth day of May, one thousand nine hundred twenty-nine (P. L. 1780), entitled "An act to fix the salaries and compensation of the judges of Supreme Court, the judges of the Superior Court, the judges of the courts of common pleas, the judges of the orphans' courts, the judges of the Municipal Court of Philadelphia, and the judges of the County Court of Allegheny County," by increasing salaries of certain judges.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 792, entitled:

An Act to add sections 418, 419, 420, 421, 422 and 423 to the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making unlawful certain acts designated to incite, counsel or advocate racial or religious hatred; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1319, (Senate Bill No. 269), entitled:

An Act authorizing the reduction of real property purchased by political subdivisions at tax sales, upon the payment of the amount charged against the same and costs, by installment payments; and prescribing the procedure therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 355, entitled:

An Act to provide for the change of object of the corporate existence of beneficial and relief associations as herein defined; and authorizing and providing a mode for the dissolution and surrender of the charter of such associations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1008, (Senate Bill No. 377), entitled:

An Act validating certain proceedings and elections of counties, boroughs, school districts, or other municipalities or incorporated districts, had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 902, (Senate Bill No. 254), entitled:

An Act authorizing municipalities to file liens against real estate beyond the municipal limits for certain municipal rates validating liens heretofore filed and providing for the procedure thereon.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Cameron, Mr. Huntley, for presiding.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1741, entitled:

An Act to control the practice of accounting by and regulating the practice of public accountancy by those qualified by the Commonwealth to practice as certified public accountants or as public accountants.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1403, entitled:

An Act creating a commission to be known as the State Tax Commission defining in part its powers and duties in relation to taking over the duties of the Department of Revenue and the Board of Finance and Revenue abolishing the Department of Revenue and the Board of Finance and Revenue of the Commonwealth of Pennsylvania and transferring to the State Tax Commission the records property and equipment of the Department of Revenue and the Board of Finance and Revenue authorizing the State Tax Commission to appear in and complete all pending proceedings instituted by against or in the Department of Revenue and the Board of Finance and Revenue providing that all decisions orders and rules and regulations of the Department of Revenue and the Board of Finance and Revenue shall remain effective until repealed changed or modified by the State Tax Commission transferring and appropriating to the State Tax Commission any unexpended balance of any existing appropriation to the Department of Revenue and the Board of Finance and Revenue defining the powers and duties of the State Tax Commission in relation to the assessment of real estate for taxation and the ascertainment of the true market value of taxable real estate for the distribution of school subsidies and the true value of other real estate and in relation to tax statistics and budgetary procedures.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1813, entitled:

An Act to amend section seven of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" permitting beauty culture schools in certain cases to charge for materials used by students in giving treatments to the public.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. FINNERTY. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. CORDIER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Finnerty.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. FINNERTY. I will, Mr. Speaker.

Mr. CORDIER. Mr. Speaker, I would like to ask the gentleman whether it is his desire to return this bill to the Committee for a single finger-wave or a permanent.

Mr. FINNERTY. Mr. Speaker, in answer to the gentleman from Lackawanna, I will assure him it will get a complete massage.

Mr. CORDIER. Mr. Speaker, in view of the fact that the gentleman is going to give it a full treatment, and in view of the fact that he has the votes, I think further opposition is useless.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1854, entitled:

An Act to further amend section three hundred eleven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An Act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by protecting and regulating the retirement rights of county employes in counties of the second class who are required to enter active service with the military or naval forces of the United States.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1880, entitled:

An Act to add section three hundred twenty-eight to article three of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" defining the pension rights and obligations of certain employes of second class counties when by operation of law such employes become State employes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1816, (Senate Bill No. 1040), entitled:

An Act to further amend section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A Supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen towards its maintenance," giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1160, (Senate Bill No. 401), entitled:

An act repealing and abandoning as a State highway State highway route 15181 in Chester County and providing for the reversion thereof to the township.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1843, (Senate Bill No. 484), entitled:

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1898, (Senate Bill No. 934), entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1808, (Senate Bill No. 463), entitled:

An Act to amend sections one and three of the act, ap-

proved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 478), entitled "Conferring authority on the Department of Highways, or any county or township, to enter upon private property adjacent to any public road or highway, and place thereon snow fence, between November first and April first of the succeeding year; providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highways to the owner of adjacent property; and repealing certain acts," by including the Pennsylvania Turnpike Commission.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1845, (Senate Bill No. 1015), entitled:

An Act authorizing and directing the county treasurers of the several counties in the Commonwealth of Pennsylvania to provide and maintain an index or indexed record of the several sales of property in their several counties for delinquent taxes, and providing that the reasonable cost thereof shall be borne by the several counties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1553, (Senate Bill No. 557), entitled:

An Act to amend section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act by changing a certain route.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1842, (Senate Bill No. 1102), entitled:

An Act to further amend the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing

for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," by providing for the licensing by the Department of Agriculture of persons, copartnerships, associations and corporations engaged in the business of breaking eggs and separating the contents thereof for any purpose; regulating the opening of eggs unfit for food; and providing for the denaturing of such eggs; authorizing the Department of Agriculture to take samples of eggs for the purpose of analysis; further regulating the right to sell or otherwise deal with eggs subjected to incubation; providing that certain violations of the act shall be punishable in summary proceedings; prescribing penalties, and repealing certain legislation.

The first section was read.

On the question,

Will the House agree to the section?

Mr. ELY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 1), page 2, line 14, by inserting a light-face bracket before the word "That."

The amendment was agreed to.

The section was agreed to as amended.

The second, third, fourth and fifth sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 491, (Senate Bill No. 145), entitled:

An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine hundred thirty-six (P. L. 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as re-enacted and amended by conferring additional powers on the Department of Highways.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1859, (Senate Bill No. 344), entitled:

An Act to amend further section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" as amended by permitting the maximum width of a public road to be two hundred feet when the right of way is acquired by

the Federal Government and providing for the cost of relocating public service facilities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

BILL PASSED OVER

There being no objection House Bill No. 1513, Printer's No. 1088, was passed over at the request of Mr. DENNISON.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 251, as follows:

An Act to amend section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof" by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employe or any other party in interest against the fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof" is hereby amended to read as follows

Section 11 (1) A valid claim for compensation or installments thereof heretofore or hereafter made pursuant to the Workmen's Compensation Law which has remained or shall remain due and unpaid for sixty days by reason of default after the effective date of this act by an insolvent carrier shall be paid from the proper fund in the manner provided in this act Any person in interest may file with the commissioner an application for payment of compensation from the proper fund on a form to be prescribed and furnished by the commissioner a certified copy of the award must accompany the application The commissioner shall thereupon certify to the State Treasurer such award for payment according to the terms of the same whereupon payment shall be made by the State Treasurer on warrant of the Auditor General and on requisition of the commissioner

(2) Payment of an award from either fund shall not give the commissioner of such fund any right of recovery against the employer

(3) An employer may pay an award or a part thereof in advance of payment from the fund and shall thereupon be subrogated to the rights of the employe or other party in interest against such fund to the extent of the amount so paid

(4) The commissioner shall be entitled to recover the sum of all liabilities of such insolvent carrier assumed by such stock or mutual fund from such carrier its receiver liquidator rehabilitator conservator or trustee in bankruptcy [employer] and all others except employers liable under any of the terms of the Workmen's Compensation Law and may prosecute an action or other proceedings therefor All moneys recovered in any such action or proceedings shall forthwith be placed to the credit of the

stock or mutual fund which has assumed such liability by the State Treasurer to reimburse the stock or mutual fund which has assumed such liability to the extent of the moneys so recovered and paid If and when all liabilities of all stock or of all mutual carriers for workmen's compensation losses in this Commonwealth shall have been fully liquidated distribution shall be made to all contributing stock companies or to all contributing mutual carriers of the remaining balance of such funds in the proportion in which each carrier made contribution to its respective fund Provided however That an insolvent carrier shall be entitled to share in the said distribution of its respective fund only to the extent that its distributive share of said fund is in excess of any losses paid out of said fund for its account by the treasurer in accordance with the terms of this act

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176.

Achterman,	Fleming,	Malloy,	Rush,
Allmond,	Fletcher,	Maxwell,	Sarra,
Auker,	Flynn,	McClanaghan,	Scanlon,
Baker,	Foor,	McClester,	Serrill,
Balthaser,	French,	McDermott,	Shaffer,
Bentzel,	Gates,	McDowell,	Shaw,
Boles,	Gerard,	McFall,	Shepard,
Boney,	Gillan,	McGrath,	Simons,
Boorse,	Gillette,	McIntosh,	Skale,
Bower,	Goodwin,	McKinney,	Snyder,
Bradley,	Gross,	McLanahan,	Sollenberger,
Bretherick,	Gyger,	McMillen,	Sorg,
Brown,	Habbyshaw,	McSurdy,	Stambaugh,
Brunner, C. H.,	Haberlen,	Melchiorre,	Stank,
Brunner, F. A.,	Haines,	Mihm,	Stine,
Burns,	Hall,	Modell,	Stockham,
Burris,	Hamilton,	Monks,	Tarr,
Cadwalader,	Hare,	Mooney,	Tate,
Chervensak,	Harkins,	Moran,	Taylor,
Chudoff,	Heatherington,	Muir,	Thompson, E. P.,
Cochran,	Hering,	Munley,	Trout,
Cohen, M. M.,	Herman,	Nagel,	Turner,
Cohen R. E.,	Hewitt,	Nunemacher,	Van Allsburg,
Jooper,	Hirsch,	O'Brien,	Vincent,
Cordier,	Huntley,	O'Connor,	Voldow,
Corrigan,	Imbrie,	O'Dare,	Voorhees,
Cullen,	James,	O'Mullen,	Wagner,
Dalrymple,	Jefferson,	O'Neill,	Watkins,
Dennison,	Jones, G. E.,	Owens,	Weingartner,
Digenova,	Jones, P. N.,	Pettit,	Welse,
Dix,	Kenehan,	Polaski,	Welsh, E. E.,
Dolon,	Kline,	Polen,	Welsh, M. J.,
D'Ortona,	Knoble,	Powers,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winner,
Early,	Krise,	Readinger,	Wolf,
Eckels,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elder,	Lee, T. H.,	Reese, David P.,	Woodring,
Ellott,	Leisey,	Reese, R. E.,	Woodside,
Ely,	Leonard,	Reynolds,	Wright,
Falkenstein,	Lesko,	Rhea,	Yeakel,
Finestone,	Leydic,	Riley,	Yester,
Finnerty,	Lichtenwalter,	Rose, W. E.,	Young,
Fisher,	Longo,	Rosenfeld,	Kilroy,
Fiss,	Lovett,	Royer,	Speaker
	Lyons,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 602, as follows:

An Act to amend sections eight hundred one and nine hundred seventy-six of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county board of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General and imposing additional duties on county board of elections the Secretary of the Commonwealth and the courts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight hundred one of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contest creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 801 Definition of Political Parties and Political Bodies

(a) Any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest vote cast in the State for any elected candidate is hereby declared to be a political party within the State and shall nominate all its candidates for any of the offices provided for in this act and shall elect its delegates and alternate delegates to the National convention State committeeman and also such party officers including members of the National committee as its rules provide shall be elected by a vote of the party electors in accordance with the provisions of this act

(b) Any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county is hereby declared to be a political party within said county and shall nominate all its candidates for office in such county and in all political districts within said county or of which said county forms a part and shall elect such party officers as its rules provide shall be elected therein by a vote of the party electors in accordance with the provisions of this act

(c) Any political body which is not a political party as hereinabove defined but which has nominated candidates for such general or municipal election by nomination papers in the manner provided by this act shall be deemed to be a political body within the meaning of this act but such political body shall not be entitled to nominate its candidates or elect its party officers at primaries held under the provisions of this act

(d) Provided however That the words "political party" and the words "political body" as hereinabove defined shall not include any political party political organization

or political body composed of a group of electors whose purposes or aims or one of whose purposes or aims is the establishment control conduct seizure or overthrow of the Government of the Commonwealth of Pennsylvania or the United States of America by the use of force violence military measures or threats of one or more of the foregoing

Section 2 Section nine hundred seventy-six of the said act is hereby amended to read as follows

Section 976 Examination of Nomination Petitions Certificates and Papers Return of Rejected Nomination Petitions Certificates and Papers When any nomination petition nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act it shall be the duty of the said officer or board to examine the same No nomination petition nomination paper or nomination certificate shall be permitted to be filed if (a) it contains material errors or defects apparent on the face thereof or on the face of the appended or accompanying affidavits or (b) it contains material alterations made after signing without the consent of the signers or (c) it does not contain a sufficient number of genuine signatures as required by law or (d) in the case of nomination petitions if nomination petitions have been filed for printing the name of the same person for the same office except the office of judge of a court of record upon the official ballot of more than one political party or (e) in the case of nomination papers if the candidate named therein has filed a nomination petition for the same office for the ensuing primary or has been nominated for the same office by nomination papers previously filed or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office or (g) in the case of nomination papers the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office or if the appellation set forth therein contains part of the name or an abbreviation of the name or part of the name of an existing political party or of a political body which has already filed nomination papers for the same office The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet The action of said officer or board in refusing to receive and file away such nomination petition certificate or paper may be reviewed by the court of common pleas of the proper county upon an application for a writ of mandamus to compel its reception as of the date when it was presented to the office of such officer or board Provided however That said officer or board shall be entitled to a reasonable time in which to examine any petitions certificates or papers and to summon and interrogate the candidates named therein or the persons presenting said petitions certificates or papers and his or their retention of same for the purpose of making such examination or interrogation shall not be construed as an acceptance of filing

Upon completion of any examination if any nomination petition certificate or paper is found to be defective it shall forthwith be rejected and returned to the candidate or one of the candidates named therein together with a statement of the reasons for such rejection

Provided further That no nomination petition nomination paper or nomination certificate shall be permitted to be filed if the political party or political body referred to therein shall be composed of a group of electors whose purposes or aims or one of whose purposes or aims is the establishment control conduct seizure or overthrow of the Government of the Commonwealth of Pennsylvania or the United States of America by the use of force violence military measure or threats of one or more of the foregoing The authority to reject such nomination petition paper or certificate for this reason shall when filed with the Secretary of the Commonwealth be vested in

a committee composed of the Governor the Attorney General and the Secretary of the Commonwealth and when filed with any county board of elections shall be vested in such board if in such case the committee or board as the case may be shall conclude that the acceptance of such nomination petition paper or certificate should be refused it shall within two days of the filing of such nomination petition paper or certificate fix a place and a time five days in advance for hearing the matter and notice thereof shall be given to all parties affected thereby At the time and place so fixed the committee or board as the case may be shall hear testimony but shall not be bound by technical rules of evidence The testimony presented shall be stenographically recorded and made a part of the record of the committee or board Within two days after such hearing the committee or board if satisfied upon competent evidence that the said nomination petition paper or certificate is not entitled to be accepted and filed it shall announce its decision and immediately notify the parties affected thereby Failure to announce decision within two days after such hearing shall be conclusive that such nomination petition paper or certificate has been accepted and filed The decision of said committee or board in refusing to accept and file such nomination petition paper or certificate may be reviewed by the court of common pleas of the proper county upon an application for a writ of mandamus to compel its reception as of the date when presented to the Secretary of the Commonwealth or such board The application for such writ of mandamus shall be made within two days of the time when such decision is announced If the application is properly made any judge of said court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said application upon the Secretary of the Commonwealth or the county board of elections as the case may be At the time so fixed the court or any judge thereof assigned for the purpose shall hear the case de novo If after such hearing the said court shall find that the decision of the committee or the board was erroneous it shall issue its mandate to the committee or board to correct its decision and to accept and file the nomination paper or certificate From any decision of the court of common pleas an appeal may be taken within two days after the entry thereof to the Superior Court It shall be the duty of the said court of common pleas and of the Superior Court to fix the hearing and to announce its decision within such period of time as will permit the Secretary of the Commonwealth or the county board of elections to permit the names of the candidates affected by the court's decision to be printed on the ballot if the court should so determine

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176.

Achterman,	Fleming,	Lyons,	Royer,
Allmond,	Fletcher,	Malloy,	Rush,
Auker,	Flynn,	Maxwell,	Sarrafi,
Baker,	Poor,	McClanaghan,	Scanlon,
Balthaser,	French,	McClester,	Serrill,
Bentzel,	Gates,	McDermott,	Shaffer,
Boles,	Gerard,	McDowell,	Shaw,
Boney,	Gillan,	McFall,	Shepard,
Boorse,	Gillette,	McGrath,	Simons,
Bower,	Goodwin,	McIntosh,	Skale,
Bradley,	Gross,	McKinney,	Snyder,
Bretherick,	Gyger,	McLanahan,	Sollenberger,
Brown,	Habbyshaw,	McMillen,	Sorg,
Brunner, C. H.,	Haberlen,	McSurdy,	Stambaugh,
Brunner, P. A.,	Haines,	MeChlorre,	Stank,
Burns,	Hall,	Mihm,	Stine,
Burriss,	Hamilton,	Modell,	Stockham,
Cadwalader,	Hare,	Monks,	Tarr,

Chervenak,	Harkins,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Trout,
Cohen, R. E.,	Hewitt,	Nagel,	Turner,
Cooper,	Hirsch,	Nunemacher,	Van Allsburg,
Cordier,	Huntley,	O'Brien,	Vincent,
Corrigan,	Imbrie,	O'Connor,	Voldow,
Cullen,	James,	O'Dare,	Voorhees,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, G. E.,	O'Neill,	Watkins,
DiGenova,	Jones, P. N.,	Owens,	Weingartner,
Dix,	Kenehan,	Pettit,	Weiss,
Dolon,	Kline,	Polaski,	Welsh, E. B.,
D'Ortona,	Knoble,	Polen,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Powers,	Williams,
Early,	Krise,	Rank,	Winnier,
Eckels,	Lee, E. A.,	Readinger,	Wolf,
Elder,	Lee, T. H.,	Reagan,	Wood, L. H.,
Elliot,	Lelsey,	Reese, D. P.,	Woodring,
Elly,	Leonard,	Reese, R. E.,	Woodside,
Falkenstein,	Lesko,	Reynolds,	Wright,
Finestone,	Leydic,	Rhea,	Yeakel,
Finnerty,	Lichtenwalter,	Riley,	Yester,
Fisher,	Longo,	Rose, W. E.,	Young,
Fiss,	Lovett,	Rosenfeld,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 448, as follows:

An Act to further amend clause (e) of section seven and to amend the first paragraph of section nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by redefining eligibility for assistance providing for appeals from certain decisions of the Department of Public Assistance to common pleas courts and imposing powers and duties on common pleas court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (e) of section seven of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relat-

ing to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as last amended by the act approved the twenty-sixth day of June one thousand nine hundred thirty-nine (P. L. 1091) is hereby further amended to read as follows

Section 7 Powers and Duties of County Boards of Assistance Each county board of assistance shall have the power and its duty shall be

* * * *

(e) To hear and determine appeals from actions of its employees affecting the rights of those applying for or receiving assistance Any person applying for or receiving assistance of any type covered by the public assistance provisions of the Federal Social Security Act may appeal to the Department of Public Assistance from any decision of the board refusing or discontinuing his assistance in whole or in part in every such appeal an opportunity for a fair hearing shall be granted and the decision of the department on such appeal shall be final except as otherwise hereinafter provided All such appeals shall be in accordance with rules and regulations established by the department with the approval of the State Board of Public Assistance Any person applying for or receiving assistance may appeal to the common pleas court of the county in which such person resides from any decision of a County Board of Assistance or of the Department of Public Assistance refusing or discontinuing his assistance because he is deemed ineligible under Section 9 of this act as a person who advocates or actively participates by an overt act or acts in a movement proposing a change in the form of Government of the United States by means not provided for in the Constitution of the United States Such appeal may be made within ten days after receipt by such person of a registered mail notice of the decision of the County Board of Assistance or of the Department of Public Assistance The common pleas court as aforesaid shall give such person an opportunity for a fair hearing at such hearing the burden of proof shall be on the department The decision of the common pleas court on such appeal shall be final All appeals from the county board to the Department of Public Assistance or from the Department of Public Assistance or County Board of Assistance to the common pleas court as aforesaid shall operate as a supersedeas of any order of said board or said Department of Public Assistance in all cases where the appellant is already receiving assistance

Section 2 The first paragraph of section nine of said act is hereby amended to read as follows

Section 9 Eligibility for Assistance Except as hereinafter specifically otherwise provided in the case of pensions for the blind all persons of the following classes except those who hereafter advocate and actively participate by an overt act or acts in a movement proposing a change in the form of Government of the United States by means not provided for in the Constitution of the United States shall be eligible to receive assistance in accordance with rules regulations and standards established by the Department of Public Assistance with the approval of the State Board of Assistance as to eligibility for assistance and as to its nature and extent

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Mr. CORDIER. Mr. Speaker, the bill immediately before the House, House Bill 448, and the following bill, House Bill No. 413, are rather of a companion nature; they pertain to the same subject, and to conserve the time of the House, and with the permission of the Speaker, I should like to address my remarks to both measures and save the time of the House.

Mr. Speaker. It is unfortunate that the two measures before you, dealing with 'subversive activities, were amended on second reading on the floor of the House, in

the manner in which they were and, which—in my opinion, materially weakened the bills.

These measures were sponsored by myself and Representative Kenehan—not for the purpose of satisfying any hysteria or any plaintive cries of any particular group, but upon calm reflection of the fact, testified to by happenings in this Commonwealth and the nation over the last few years, that there is a sincere need for this type of legislation.

I say it is unfortunate that the bills were weakened because of the fact that the federal government is taking drastic steps to purge these subversive groups from the defense jobs and the federal government did not wait until an overt act was committed to bring about these dismissals.

The newspapers the last few days have had many items showing the intense manner in which it is the desire of your administration at Washington to completely purge in all of the defense industries these subversive individuals and so, by the language of your amendments, you have ham-strung the state government of the Commonwealth of Pennsylvania in its desire to dismiss from its employ any of these subversive groups or individuals.

Your amendments are out of step with the national desire. The amendments as inserted are clearly the responsibility of the Democratic party because the subcommittee who presented the amendments was composed entirely of Democrats. I hoped that we would be able to work this matter out on the bi-partisan and non-political basis. However, that did not prevail and the amendments of the gentleman from Delaware, Mr. Turner, were defeated and it is my hope that the Senate of Pennsylvania will so amend this bill as to put the necessary teeth in it to satisfy the desires of the vast majority of our citizens who are insisting that only those who believe in our American form of government, who believe in the Constitution of the United States and are willing to accept the responsibility designated in that Constitution, shall be employed by the Commonwealth of Pennsylvania and all of its political subdivisions. If anything further were required to impress this General Assembly with the urgent need for stringent laws to bar these un-American elements from positions of public trust in the Commonwealth, it was supplied by the combine that rushed to the legislative halls to attack these pieces of legislation. I was rather amused to see the banners that they displayed on their lapels saying that House Bill 413 was un-American, when House Bill No. 413 simply provided that no person who advocated the overthrow of our American form of government by means not provided for in the Constitution shall be dismissed from public jobs. Surely, no one worthy of the name "American" could reasonably favor the employment in such posts of public trust of those who would defy the Constitution and overthrow our government by force.

During the past few weeks, these un-American groups were squirming and squawking at the prospect of a law on our statute books that might dislodge some of their adherents from public jobs. You are familiar with the character of the opposition and the charges of discrimination by those who would be given the authority of dismissal under this Act, but I ask you this one simple question. "Was there even one state employe who would be affected by this Act and whose looks, demeanor

and natural characteristics would clearly stamp them as real Americans who uttered one word of protest against the passage of this legislation?" Your answer to this question must be a crystal-clear "No."

It takes a lot of gall to defend this so-called right to undermine the government on one hand and on the other to depend on any agency of government to pay your salary while doing the dirty work. It takes a lot of gall to even suggest that a measure designed to kill a snake before it spreads its venom should be permanently pigeon-holed. But these subversive elements have gall and plenty of it. They are without shame or they wouldn't belong to these subversive groups. They may be smirking today because they have, to some extent, impressed the Democratic leadership with their arguments. However, I am confident that the Senate of Pennsylvania has the intestinal fortitude to put language into this bill to make it clear that no one who attempts to undermine the confidence of the people in our Constitution and government, shall be paid funds in positions of public trust created by that Constitution.

As an American, I have a right to be a Republican, Democrat, Socialist, Christian, Mohammedan or Jew. I have the right to advocate, argue for or against, urge the adoption of anything and everything rightful or wrongful, except the privilege or right to urge, advocate, argue for and listen to arguments advocating the overthrow of the Constitutional Government of the United States, and of the several Commonwealths thereof, by violence and force or other means not provided for in the Constitution.

As an American, I have a right to speak and print, and to listen to and read speeches and literature. I have the right to enjoy the exchange of opinions on all subjects freely and without restraint except I have not the right to speak, preach, print and advocate the overthrow of my American Constitutional government by force and violence, that is one liberty that I cannot possess and am not entitled to possess, and if I ever had it, I surrendered it when I became part of a government that is ruled by majority vote.

As an American, I am bound to respect, honor and obey the decision of the majority as expressed at a free and open election.

As an American, I have no privilege to urge and advocate the adoption of reforms or so-called reforms by any other means than free and open election and especially not by force and violence.

When the American Constitutional government was created by the people and for their benefit and for their protection it was given the inherent right to protect itself against all of its enemies who advocate its overthrow by other methods than constitutional ones, and by reason of that inherent right or power delegated to it by the people, it has the undoubted right to enact laws making it a crime for anyone to advocate by speech, written or printed matter, or act its overthrow by force and violence and it has the undoubted right to expell from its employ all of those who refuse to accept the principle placed in the Constitution by the people, for their benefit.

Its inherent right to make these actions crimes is stronger than the rights reserved in the Constitution to the people. All of the rights reserved to the people are not infringed upon when that Constitutional government

makes it a crime with a penalty for any person to advocate its overthrow by force and violence.

People have a right to change their government but the American people have by agreement, custom and usage, accepted the principle that their government should only be changed by Constitutional means, and those that seek to change it by other means commit the gravest and most serious crime that can be committed against the peace and happiness of a free people.

The government of the United States and of the several states, under the Constitution of the United States and the Constitution of the several States, has undoubted Constitutional powers to enact any and all legislation necessary to preserve the continuance and existence of itself against all violent attempts to overthrow it by force; and to continue its existence they have the undoubted Constitutional right to enact laws making the preaching and advocating of either overthrow by violence, or other means, rather than by a free open election, a crime.

Every officer is in duty bound by his oath of office to support the several constitutions and the government created under them and every citizen who is naturalized takes an oath to support the Constitution and not to overthrow the government by any other method than by a free and open ballot.

The advocacy of an idea teaching the overthrow of the government by armed and potent minority is the highest crime against the Constitution and the nation and the States that any person could be guilty of.

Nothing can be unconstitutional that supports and preserves the American Constitutional system of government. The very creation of this system of government by the people gave to the government all of the needful and necessary powers to preserve and continue itself and modify itself only in accordance with the provisions prescribed in the Constitution itself. And one of these undoubted powers is the right to enact laws to prevent its overthrow by force.

In whatever form these measures finally clear the General Assembly and reaches the Governor's desk, it is my belief that it will serve warning to these subversive groups that the people of Pennsylvania are cognizant of the danger, are awake to its realities, and are definitely on guard against any movement that will seek to weaken the only form of Government which, today, can be called free, and the only form of Government on the face of the globe today under which you and I can really enjoy life, liberty and the pursuit of happiness, and it is my fervent prayer that this form of Government shall never change for the American people. Mr. Speaker, in spite of their weakened condition, I ask the House to vote affirmatively on these Bills.

Mr. BROWN: Mr. Speaker, I extend my remarks and my comments on these bills, and I shall not endeavor to cover the same points at this time. However, I should like to tell my good friend from Lackawanna, Mr. Cordier, that it comes with ill grace when he tries to accuse the Democratic party, because I happen to be a Democrat, and happen to be on a committee and happen to sponsor some of these amendments,—it just so happens perhaps at that time I was able to convince the members on this side of the House with whom I had the opportunity to caucus that my amendments were right.

I would not say that the Republican party would be

held accountable for the amendments of Mr. Turner, had Mr. Turner's amendments prevailed, and I think in a thing of this kind we ought to be fair minded and not try to make the thing a party issue when everybody knows it is not. I agree wholeheartedly with everything the gentleman has said; I think we all do; we all believe in the Constitution, but I think the gentleman's error is in the interpretation of the Constitution. I think the gentleman should reread Article VI of the Constitution and he ought to read some of the decisions of the courts in interpreting the Constitution, and by that he will see that this legislature has no right to pass laws that are uncertain, that are ambiguous, that are vicious.

I tried to point out last night that there were two types of legislation in this field; one was the type that was unconstitutional because of a definite limitation prohibition in the Constitution. The other type was that type offending the spirit of the Constitution.

Now, as to whether I am unpatriotic in demanding that every man has a right to his full day in court I will leave to the future to decide. The only thing I have done and the only thing that I think the gentlemen on this side of the House have done, and the only thing we intend to do is to see that no law is passed in this House or in the United States Congress or anywhere else that denies a man's rights to appeal to the highest court of this land.

I stand in my position on these bills with the learned Chief Justice of the Supreme Court. By the way, may I say that not so long ago Chief Justice Hughes was described as the greatest Chief Justice the United States ever had, even greater than John Marshall, because at the time Chief Justice Hughes had greater problems confronting him. I stand one hundred per cent on every word of this principle which I stated last week, and which I repeat here and now as my full philosophy concerning each and every one of these bills.

I repeat the famous quotation of Chief Justice Hughes in the case of *DeJonge v. Oregon*, 299 U. S. 334, 1937:

"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the most imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the republic, the very foundation of constitutional government."

The SPEAKER. For the information of the members, I believe there is collusion between the cooling engineers and the Governor to get us out of here.

Mr. TURNER. Mr. Speaker, perhaps the engineer and the cooling system are taking the advice of John Cummings in his articles which he has been writing in the newspapers, but I do not believe that there is a cooling system in the hot weather that can change the obstinacy of man. As we have learned in China and over in Great Britain, the more you press a man the more resistance you build up in him. It is like a piece of steel, the harder you hammer it the more you temper it to sustain great stress.

Mr. Speaker, I had not intended to infringe upon my colleague from Lackawanna who has so ably spoken on

this subject on a number of occasions, but I can not help but answer to some extent the gentleman from Allegheny, Mr. Brown.

I do not think there are any of us who have advocated these bills who would deny that the gentleman from Allegheny Mr. Brown is perfectly correct in the statements which he has made. We can wholeheartedly subscribe to certain of these statements,—I won't say we subscribe to all of them, but I think we subscribe to most of them and I think we are bound by the opinions of the authorities that he has cited, and I think we would go along with the opinion of the Chief Justice as expressed in the opinion which the gentleman from Allegheny has just read. But the gentleman from Allegheny says he thinks it is unfair on the part of the gentleman from Lackawanna, Mr. Cordier, to talk about the Democrats and this bill as a party measure.

Let me read to you an editorial from the *Harrisburg Patriot*, which as everyone knows is a Democratic paper. This editorial is entitled "The Risk of a Red Label":

"One of the most astonishing things which have happened in these last days of the legislative session has been the hesitancy of House Democrats to take a definite stand in favor of bills against the Reds.

This attitude has brought humiliation to members of the Democratic party who yield to none in their devotion to fundamental Americanism and their opposition to all subversive organizations. The very idea that members of their party in the House should have differences of opinion on an issue of this sort creates a mystery impossible to understand.

The Democratic party cannot afford to risk being tagged as the defenders of those who would tear down the American form of government. It is bad enough to hear charges that the national administration has been too tolerant of radical groups, too ready to entertain them on the White House lawn, too generous in its encouragement of the un-American movements which in later days have done so much damage to the defense program.

Every day the American spirit flames hotter against agencies and movements out of sympathy with the American way of life. Any political party, be it Democratic or otherwise, which seems to condone radical movements runs the risk of being labeled as the "Red" party which in times like this opens the door to party suicide.

One hopes that without further delay the House leadership will clarify the air and demonstrate by votes that it is as bitterly opposed to Reds and other subversive agents as were the patriots of old."

In reading the opinions of the Chief Justice and of other learned Justices interpreting the Constitution, I feel sincerely that the gentleman from Allegheny, Mr. Brown, with his fine legal knowledge, with his studious approach to all questions, has gotten himself so far on the side of the technicalities of the law that he is obscuring his usually clear vision, he is obscuring the clear vision of many members of this House, and is bringing upon his Democratic colleagues a disrepute to which they ought not be subjected. I do not think my opponents or my colleagues on the other side are Red; I do not believe they are Communists. I know a great number of the men on the other side of the House, whom I call my very close personal friends, who feel very severely the place in which they are put by the leadership that is being imposed upon them, by the very able and learned mind of the gentleman from Allegheny, Mr. Brown.

I hate intolerance. I believe firmly in this Constitution of ours which, while it is set up for the rule of the majority, is able to protect the minority. All through the debates in the Constitutional Convention, all through the Federalist run those lines which clearly tell anyone who has the power to read that this Constitution of ours will protect minorities. I understand very well the feeling of the gentleman from Allegheny, Mr. Brown, that he does not want to see the door opened for persecution of minority groups for things that do not directly bear upon the question that is uppermost in the minds of many of our people. But on the other hand, I appeal to the patriotism of the gentleman from Allegheny, Mr. Brown, I appeal to him to look beyond those questions which he has raised, to look beyond the decisions which he can read just as ably as I can, perhaps more ably, and to see that there does come a time when freedom of speech has to be in certain degrees curtailed, when freedom of speech gets beyond the point of what we ordinarily term it.

The other day in the debate in this House, I said I have no objection to Communists holding a meeting and discussing Communism; I have no objection to their standing on a soap box and advocating Communism, but to take these bills after the five or six months they have lain in committee and then amend them, not to find a way to reach the problem before the people, but to say that they must advocate openly and actively participate in insurrection and a movement to overthrow the government is not reaching the problem. As the gentleman from Lackawanna has so ably said, our Federal government is saying to our labor unions, "You must purge yourselves of Communism." The Federal Bureau of Investigation only in the last couple days has found some twenty-one or twenty-two, or whatever it is, spies or a ring of spies in the United States who are passing on information as to vital secrets and who are maintaining communications with agencies that are foreign and are opposed to the government of the United States.

We know, we must know, we cannot help but know, as we read the newspapers, that these agencies are trying to obstruct the course of national defense. They have been trying to disrupt our defense industry. We know from the record in New York State where a professor in one of the colleges was convicted of perjury, and that there was a ring in that college of teachers who were teaching Communism. They were not all actively, outwardly participating in a movement to overthrow the government but they were preaching Communism and changes in our system of government, which I contend was handed to us as our inalienable right.

Mr. Speaker, and members of the House, I read to you the other day this statement from the opinion of Mr. Justice Holmes in the case of *Schenck v. U. S.* I do not believe the gentleman from Allegheny, Mr. Brown, was here at the time I read this statement. The Justice had this to say:

"We admit that in many places and in ordinary times the defendants, in saying all that was said in the circular, would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. *Aikens v. Wisconsin*, 195 U. S. 194, 205, 206, 49 L. ed. 154, 159, 160, 25 Sup. Ct. Rep. 3. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater, and causing a panic. It does not even protect a man from an injunction against

uttering words that may have all the effect of force. *Gompers v. Buck's Stove & Range Co.* 221 U. S. 418, 439, 55 L. ed. 797, 805, 34 L. R. A. (N. S.) 874, 31 Sup. Ct. Rep. 492. The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no court could regard them as protected by any constitutional right. It seems to be admitted that if an actual obstruction of the recruiting service were proved, liability for words that produced that effect might be enforced."

The difference between the gentleman from Allegheny and myself is this: insofar as he is seeking to protect us from people who are employed under the Commonwealth from actively advocating and participating in overt acts, I cannot object to that, but that is not reaching the problem that we have sought to reach and is not reaching the problem that we have tried to reach during the last few months. That is not reaching this problem of teachers in the schools; that is not reaching the problem of the people who are employed by the state government, who have a less right while they are teachers and while they are employed by the state government to advocate those things than perhaps the average citizen might have.

Mr. Speaker, I heard the gentleman from Allegheny the other night read the preamble of the Constitution of the United States as endorsing those things which he advocated. I could agree with him on that matter but let me read it to you again:

"We the people of the United States in order to form a more perfect union,"—those men had been through five or six years of chaos and anarchy. They knew that the Union which had been formed in that great war was imperfect and loose, and it could not function efficiently. "Establish justice,"—they wanted to establish justice with their vision of government, with their ideals of the right of men to form a government. "Insure domestic tranquility,"—they had seen insurrection, they had seen chaos, they had seen anarchy; they wanted to secure "domestic tranquility." "Provide for the common defense,"—they knew that the thirteen original states gathered together in a loose confederation could not possibly form a strong army against the aggression of a foreign government. "To promote the general welfare,"—certainly any group of men who had their ideals of government wanted to promote the general welfare. Then what did they do? It seems to me everything in the preamble leads up to this "And secure the blessings of liberty to ourselves and to our posterity do ordain and establish this constitution for the United States of America."

To secure the blessings of liberty to ourselves and our posterity,—that is what they wanted; that is what they had fought for; that is why they had offered themselves as a sacrifice on the field of battle; that is why they were willing to sacrifice their fortunes, their personal liberties and their lives, it may be everything to secure to us the blessings of liberty.

Is there any liberty for a man in Communism? Is there any liberty for a man in Fascism? Is there any liberty for a man in Nazism? I do not think there is

any man who will stand here upon the floor of this House tonight and contend for a moment that there is liberty as we have known it for one hundred and fifty years under the American system of government in any of these things. If the Federal Government can now say, "Root these people out of industry," if the Federal Government can go out and seek out these people for trying to undermine our government, who do not themselves perform an overt act except that they are capable of explaining, then if they can, why can't we do the same?

Mr. Speaker, as to making the terms certain, if these terms are not certain enough to meet the legal requirements, if they do not protect the rights of those who might be falsely and wrongfully accused, then let us get together around the table with the skill of the gentleman from Allegheny, Mr. Brown, and others, and let us find language that does, but I say let us not in an hour like this when our country needs every ounce of defense and every ounce of patriotism that we can get, let us not quibble over technical and legal terms that might be employed in Quarter Sessions Court in order to get some culprit off; let us get down to the real problem. It is not the problem of a man who openly advocates and participates—the gentleman from Allegheny, Mr. Brown makes it "and participates," he makes it conjunctive. He must do both. But let us get down to those who advocate in their teaching and in their daily lives in and about the offices of the government those who are on the public payroll of a great free country, on the payroll of a nation that has pledged itself and has dedicated itself to secure the blessings of liberty to its posterity, let us get down to that and draft bills that will meet that problem.

I have no apology for the language that was inserted in the bill which I introduced in reference to the Tenure Act. I have no pride of authorship in that; I am willing to accept any language that will properly, within legal bounds arrive at a solution of the problem, but again let me say to the gentleman from Allegheny that he ought not to place these good colleagues of his in the position in which they are now placed, and in the embarrassment which they now have before the public.

Mr. BROWN. Mr. Speaker, certainly I should apologize for rising again, but I hope you will bear with me. This is a very important matter, because we are dealing with the fundamental liberties of the people. I do not subscribe to the learned argument of the former speaker of this House, a gentleman whom we all admire, the gentleman from Delaware, Mr. Turner. I do not agree when he says that there is a set of liberties for one set of people and not the same set of liberties for the other set of people. You cannot divide liberties. Liberties that we enjoy here ought to be the liberties that every other citizen enjoys, and if we have come to this point in our system of thinking in this country whereby because of the present status, because of a certain standard, one man's liberty would be different from that of another, we have lost the essence of all democratic process.

Mr. Speaker, as to the article which the gentleman read from the Harrisburg Patriot, I subscribe to that, too. I am glad the Patriot brought that matter out, as it had a right to, but that does not make it true. We hold that the Patriot had a right to bring the matter out.

In connection therewith, Mr. Speaker, I would like to

read Section 7, of Article I, of the Constitution. I think sometimes with the reading of these provisions of the Constitution we get back to the fundamental principles, and we do not have to indulge in facetious and fanciful arguments.

Article I, Section 7, reads as follows:

"The printing press shall be free to every person who may undertake to examine the proceedings of the legislature or any other branch of government, and no law shall ever be made to restrain the right thereof."

The Harrisburg Patriot is exercising its fundamental right of freedom of speech. In connection with that same thing, I agree with the Harrisburg Patriot because I believe in the principle laid down by Mr. Justice Holmes in the famous case reported in 279 U. S., 644, as follows:

"If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought, not free thought for those who agree with us, but freedom of thought for those we hate."

Mr. Speaker, I do not hate the Harrisburg Patriot, but I disagree with them. They have a right to say that, and the Harrisburg Patriot would fight to the last ditch if this Legislature or any other Legislature sought to put any restriction of any kind, or any limitation on anything the Patriot might say or any other paper that is protected under the Constitution of the United States. That is all we are fighting for here. I agree with the Schenck decision. That decision bears out exactly what we are trying to do with these bills, because the learned judge said, "There must be an actively obstructive process." That is all we are trying to do here. Mr. Speaker, I am sure the gentleman from Delaware, Mr. Turner, is sincere when he gives us such flowery language, but after all when we introduce bills which become laws, I give you again what I said last night, the words from a great philosopher, a statesman we all love to read about, read his language and peruse his thoughts—the Honorable John Dickinson who made this statement: "Miserable is the servitude when the laws are uncertain." I will never be a party regardless of what is sought to be obtained, to passing any laws that are uncertain, because I believe with John Dickinson, "miserable will be the servitude."

Mr. CORDIER. Mr. Speaker, in response to the remarks of the gentleman from Allegheny pertaining to the charge that the Democratic party is responsible for the amendments to this bill, I made those remarks with no acrimony to any member of the Democratic party. I merely recited the history of this legislation as it appeared on the record books in the halls of the Legislature in the State Capitol.

I am quite certain, Mr. Speaker, that the gentleman from Allegheny is sincere and that the membership on the other side is sincere in its desire to lead to the same goal that we are. However, we differ in the method of procedure. In this democracy the people have the right to form opinions. In that connection, Mr. Speaker, I have before me a letter from one of my constituents who has been greatly interested in this question and who incidentally happens to be a Democrat. I am going to read one excerpt from that letter a follows:

"During times of unprecedented confusion it would seem the strategy of the Democrats in regard to anti-Red suppression has been baffling and disturbing to

those who have the welfare of the state and nation at heart! Furthermore it has brought humiliation to those members of the Democratic party who are as equally devoted to the fundamental principles of Americanism as are Republicans. It is a serious thing to risk being tagged as the defenders of those who would destroy our government."

Mr. Speaker, I might say in several states of the nation there are safeguards against subversive activities which have now become laws. The states of Arizona, Washington and Wisconsin now have laws pertaining to subversive activities on the statute books. In many of the other states bills of similar nature are now being considered.

Mr. Speaker, I might say in regard to the question of liberties, as it was so ably put by the gentleman from Allegheny and on the question of constitutionality of this bill as it was originally introduced, House Bill 413 merely prohibits the employment by the Commonwealth of any person or persons whose philosophy proposes a change in the government of the United States by means not provided for in the Constitution of the United States.

I leave with the House the question as to whether or not any such legislation can be unconstitutional.

Mr. LEVY. Mr. Speaker, I am not at all surprised that in the final days of the session, especially when House Bills 413 and 448 are on third reading and final passage, that the gentleman from Lackawanna and the gentleman from Delaware have attempted to brand the Democratic party as the Red party in Pennsylvania. I think in the discussion on these bills the various members of the Democratic party on this side of the House have expressed themselves very ably regarding Communism and Naziism, and I think the implication raised by the gentleman is unfair and does not deserve the attention of this House.

The truth of the matter, Mr. Speaker, is that the amendments that were adopted in House Bills 413 and 448 do not weaken the bills, but strengthen them in an American way. As far as partisanship is concerned, I might remind the gentleman from Lackawanna that last week in the State of Georgia a Democratic Governor raised objection to a mid-western teacher in the University of Georgia for teaching the students in that University that there should be colored students admitted, and the Governor of the State of Georgia who was a Democrat, and with who I utterly disagree, raised this objection. He said, "I am tired of listening to the rantings of the Communist from the mid-west."

I say to the gentleman from Lackawanna, if the bill as it originally came out of committee was intended to prove statements such as came from the mid-western teacher in the University of Georgia were Communistic, then I say thank God that the amendments were included in the bill.

I do not know the ideas of the gentleman from Delaware or the gentleman from Lackawanna relative to the results of a bill of this kind, and I certainly would not question for one moment the sincerity of the gentleman from Delaware, but I say to him in all fairness in an American way that the bill that it is before the House is the American way of combatting subversive activities.

Certainly the gentleman from Allegheny raised a question of security of minorities. The gentleman from Delaware admits that the Constitution is built around the security of minorities by the majority, but I ask him how

can you secure the rights of minorities if you are going to place on the statute books of Pennsylvania the right of any Department head to determine a man's philosophy, doctrine or goal without appeal? That is the underlying question in these two bills, and I say to the gentleman from Delaware, Mr. Turner and to the men on the other side of the House that the bills as amended are correctly drawn, and these are the ones that should be enacted into law.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Levy.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. LEVY. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker I would like to know from the gentleman whether the amendments which were inserted into the bills under discussion now make these two bills satisfactory to the group with which he met in Philadelphia and about which he spoke on the floor of the House in answer to the gentleman from Delaware, Mr. Turner, a few days ago?

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Dauphin, Mr. Woodside, I might say relative to the rally before which I spoke in Philadelphia, which was very thoroughly discussed last Thursday, that the charges made by me in my answer were never answered by the gentleman from Delaware. I said at that time that if the gentleman from Delaware or any other Member of this House had any cases of where Communism was taught in the Philadelphia schools it was their duty to bring that information to the constituted authorities. Mr. Turner arose and read a letter from a very prominent citizen of Delaware County in which he lauded Mr. Turner's stand on anti-Red bills. Mr. Turner never mentioned the name, and at that time I asked Mr. Turner and requested him to name names and places, but he failed to do so.

If the reference of the gentleman from Dauphin is to a teacher's union in Philadelphia that is charged with being Communistic, I said to the gentleman from Dauphin and to his colleagues that they were investigated on numerous occasions by the Board of Public Education in Philadelphia and were exonerated of any charges, and I further pointed out that the main purpose of these bills is to amend the Teacher's Tenure Act and weaken the security given them by a previous Democratic administration. I stated the case of Miss Burchett in Philadelphia and I proved to the membership that she was fired under the Teacher's Tenure Act, and that if there were any teachers in Philadelphia teaching Communism they could likewise be fired. I heard no resounding answer from the gentleman from Delaware or the gentleman from Dauphin.

In answer to the gentleman from Dauphin, I will only say to him that I am not responsible for drawing up the amendments, but I subscribe to them, I am proud of them and in my philosophy they are the American amendments.

Mr. WOODSIDE. Mr. Speaker, the gentleman thinks very rapidly on his feet. He has been on his feet now ten minutes answering the question, but I still have not been able to find out whether the answer is "yes" or "no."

Mr. LEVY. Mr. Speaker, I would like to hear the question once again.

Mr. WOODSIDE. Mr. Speaker, I asked the gentleman whether the amendments that were put into these bills now make them satisfactory to the group to whom he spoke in Philadelphia?

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Dauphin, I do not know. I never received any communication from the American Federation of Teachers in Philadelphia relative to the amendments, and I do not know their attitude on the amendments.

Mr. WOODSIDE. Mr. Speaker, does the gentleman assume that they are now satisfactory to them?

Mr. LEVY. Mr. Speaker, in answer to the gentleman, the question the gentleman just propounded is as vague and uncertain as House Bill 413 was when it came out of committee. We are not assuming anything here. I might point out to the gentleman from Dauphin that we are passing laws, laws that are to remain on the statute books to govern the people of the Commonwealth of Pennsylvania, and I certainly would be a poor Legislator if I were to answer that question.

Mr. WOODSIDE. Mr. Speaker, I still think the gentleman ought to answer the question "yes" or "no," and he has not done so.

Mr. LEVY. Mr. Speaker, in answer again to the gentleman from Dauphin, we are not assuming things, and it is not my business to assume what a certain group in Philadelphia is thinking. I answered the gentleman; I said that I subscribed to the amendments and I think they are the proper thing.

Mr. WOODSIDE. Mr. Speaker, I understand the gentleman attended a mass meeting in Philadelphia. There were some indications that that mass meeting was composed of some people who were active in the Teachers' Union. Whether that is correct or not, the gentleman himself knows.

PARLIAMENTARY INQUIRY

Mr. HARKINS. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. HARKINS. Mr. Speaker, I would like to know whether it is proper for a member to question another member about his activities outside of the halls of the legislature?

The SPEAKER. The Chair has been very lenient toward Members on both sides.

POINT OF ORDER

Mr. HARKINS. Mr. Speaker, I arise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HARKINS. Mr. Speaker, I raise the point of order that the gentleman from Dauphin, Mr. Woodside, is out of order in his present interrogation.

The SPEAKER. The Chair is of the opinion that the point of order is not well taken. The Chair has been very lenient in this debate.

Mr. LEVY. Mr. Speaker, I might inform the gentleman from Allegheny that I very heartily welcome the interrogation of the gentleman from Dauphin because I think I know what he is thinking, and I know he generally thinks incorrectly. I ask the gentleman from

Dauphin to proceed, and I will attempt in the best English I know to answer him.

Mr. WOODSIDE. Mr. Speaker, if the gentleman would answer my question it would save a lot of the time of the House. He takes a lot of time to answer, and now he is concerning himself as to whether I am thinking or not.

Mr. LEVY. The gentleman from Dauphin asked me whether I assumed that the American Federation of Teachers subscribed to these amendments, and I said to him that as a member of the House for a few sessions I believe this is the first time we were called upon to answer what we assume might be the condition with this particular union. I say to him in all sincerity that I do not care what the American Federation of Teachers thinks of these amendments; I subscribe to them, I am proud of them, and I say to him if he is not, then let him vote against the bills, that is all.

Mr. WOODSIDE. Mr. Speaker, every time I ask the gentleman a question he makes a speech on something else. In this particular speech he said something that was very interesting. I didn't ask him whether the American Federation of Teachers was opposed to this bill; I asked him whether the group with which he had met was in favor of these amendments, and he assumed it was the American Federation of Teachers, so I think we can now safely assume that the group was the American Federation of Teachers in Philadelphia that was thrown out of the American Federation of Labor because of their Communistic leanings and activities, or if it was not that group, then there was a close connection between the two, because I did not think the American Federation of Teachers was the group he was meeting with. I said the group he was meeting with. I am wondering whether he was not interested enough to find out what their opinions were as to these amendments. I think he should have endeavored to find out what their attitude on this situation is, and I think he knows. I think he knows whether these amendments were satisfactory to the group with which he met, whether they are satisfactory or not satisfactory, that is the question I am asking him and the question pertaining to this bill that he refused to answer.

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Dauphin I only want to say that I do not believe he knows how to ask a question. I repeat, Mr. Speaker, over the laughter, that I do not believe he knows how to ask a question. I think he is trying to get me to say something and he doesn't know how to ask for it. I want to say to him that if he had listened to my reply to the gentleman from Delaware on Thursday of last week he would have heard very distinctly that I attended no meeting or discussion on House Bill 413 or House Bill 448 with this union known as the American Federation of Teachers. He heard me distinctly say on the floor of the House that I was invited to address a rally and that I spoke, and that I did not see any "Peace" signs hanging around the wall and I did not see any Hammer and Sickle coming down from the ceiling, and I did not see any Reds with long whiskers, as the gentleman from Delaware might infer. I saw, Mr. Speaker, on the other hand, five to seven hundred fine, clean-cut American citizens, and I say to the gentleman from Dauphin if he is questioning the philosophy, doc-

trines or goal of the people who were in attendance at that rally in Philadelphia then, thank God, that "philosophy, doctrine and goal" has been taken out of House Bill 413.

Mr. Speaker, I want to say to him further that I am more proud, and I say this on the floor of the House, to have addressed that group of teachers in Philadelphia than I would have been to address the Republican Women of Pennsylvania who eulogized in 1938 a teacher who openly taught racial intolerance in the South Philadelphia High School, and who was, Mr. Speaker and Members of the House, fired and dismissed by the Board of Public Education in Philadelphia under the horrible Teacher's Tenure Act that the gentleman from Delaware is crying so much about.

I say, Mr. Speaker, in answer to the gentleman from Dauphin, I do not deny that I spoke at a rally, and I spoke in protest of pending bills in the Assembly and I have every right to do that, and if the gentleman from Dauphin thinks not, then let him say so. But I am proud to have been there and I am proud to have voiced sincere objections to a bill that was an un-American bill as it came out of committee.

Mr. WOODSIDE. "Me thinks the gentleman doth protest too much." I think the truth of the matter is pretty well out, Mr. Speaker. It seems to me that these amendments will be very satisfactory to this group to which the gentleman from Philadelphia spoke, and which he has eulogized so much. Whether there is any connection between that group and the American Federation of Teachers, which was thrown out of the Union for being too Communistic, I shall leave for your own sound judgment. I sometimes am accused of being a little politically minded. Maybe that is the thing that brings me down from the level of the discussion of the gentleman from Allegheny, Mr. Brown, and the gentleman from Delaware, Mr. Turner, on a high constitutional plane, and something which I think may indicate whether these bills are truly American or whether they are not.

We sometimes ought to look to the people to whom those interested in these bills are speaking and listening, and I think if we do we can then sometimes determine what the motives involved in amendments or legislation are. I think, Mr. Speaker, that my point is clear and that every Member of this House understands exactly what I mean.

I just want to say one other thing concerning the debate between the gentleman from Allegheny, Mr. Brown, and the gentleman from Delaware, Mr. Turner. It reminds me very much of a story which my mother told me when I was very young and which I have remembered every since. It was a story about a farmer who came over to this land of freedom. He was not here very long until he hit a fellow on the nose and was called into court. The judge, about to pronounce sentence on him, said, "Have you anything to say in your defense?" And he said, "Yes," he said, "I came over here because I thought this was a land of liberty, this was a land of freedom." The judge replied, "Yes, sir, but you must understand that your liberty ends where the other fellow's nose begins." It seems to me that the gentleman from Allegheny, Mr. Brown, was talking entirely about this being the land of freedom and that the gentleman from Delaware, Mr. Turner, was reminding him that freedom

ends where the other fellow's nose begins.

Mr. CORDIER. Mr. Speaker, after listening to the gentleman from Dauphin and after listening to the speech of the gentleman from Philadelphia, Mr. Levy, I think it would be proper to ask a question at this point. Who is getting hysterical now?

Mr. LEVY. In answer to the gentleman from Lackawanna, I would say that the only person I can find who is hysterical would be the author of a bill like House Bill 413 as it came out of committee without amendments.

Mr. AUKER. Mr. Speaker, I am going to vote for this bill because it is possibly some step in the right direction, but I submit to the Members of the House that these bills with these amendments submitted by the gentleman from Allegheny, Mr. Brown, do not go nearly far enough. In other words they take the teeth out of the bills, and I do not refer to the amendments which give the right of appeal. I am heartily in accord with those amendments.

However, Mr. Speaker, I refer again to the amendment which says that they must openly advocate and actively participate in an overt act. I submit to you, Mr. Speaker, that a teacher who teaches Communism in a school, as the Philadelphia teachers are doing and for which they were thrown out of the American Federation of Labor, a teacher who teaches that this government should be a collectivistic form of government instead of a republican form of government as set up by the Constitution of the United States, a teacher who teaches that this form of government is only an experiment in government the same as other governments in the world, cannot be reached under this act, and they are the class we are trying to reach. We know that the school boards do not have the authority under the Teachers' Tenure Act to throw out a teacher for teaching Communism. Under a recent decision handed down by Doctor Haas, Secretary of Public Instruction, he made the specific point that under the Teachers' Tenure Act a school board does not have the power to fire a teacher who has been engaged in Communistic activities. Under no stretch of the imagination do I believe school boards or the courts would oppose a school board in firing teachers who teach those "isms," collectivism, socialism and communism, because it would not be possible under the interpretation of the court to determine this act as being an overt act, as set up by the amendment in this bill. I submit to you that we are here simply begging the question. We have asked, as Doctor Haas has asked, that bills be reported out here giving school boards the authority to fire this kind of teachers, and no bill of that kind has yet come out. I only hope that the Democratic party on the other side of the House and the Chairman of the Educational Committee will heed those requests and report such a bill out.

Mr. HARKINS. Mr. Speaker, I wish to call the attention of the Members of the House to an editorial that appeared in the Pittsburgh Sun Telegraph of Tuesday, June 24, 1941. I can say in all probability the reason this editorial is so commendable is that the editorial sets forth the same fundamental truth which was promulgated by Thomas Jefferson way back in 1804.

Mr. Speaker, this editorial in discussing the freedom

of the press states that Thomas Jefferson said in the following quotation:

"Man may be governed by reason and truth. Our first object, therefore, should be to leave open to him all the avenues of truth. The most effectual hitherto found is the freedom of the press."

In my opinion, Mr. Speaker, freedom of speech is just as essential as freedom of the press. The rest of this editorial goes on to state that the courts cannot expect that freedom of the press will not be interfered with. It states also there is no "divine right" doctrine in our American institutions, and that it is a heartening event in these days of the gradual narrowing of individual liberties to have the Supreme Court of the state concede the right of the press to criticize the courts after the cases are no longer before such courts. The editorial concludes, Mr. Speaker, with the following words:

"And the Courts of the United States have no greater friend or bulwark than our free, critical press."

I just wish to suspend, Mr. Speaker, for a moment to inform the gentleman from Blair, Mr. Auker, that I have had no communication from the State Superintendent of Public Instruction relative to any bill which he favors to take care of any of the situations described by the gentleman from Blair. I would further state that the gentleman from Blair, Mr. Auker, seems to be under an erroneous impression concerning the import of the decision of the State Superintendent of Public Instruction. The State Superintendent of Public Instruction, according to a copy of the opinion which I have, does not say that the teachers who teach Communism or un-American doctrines cannot be dismissed. The State Superintendent in that particular decision did not dismiss the teacher concerned because the State Superintendent found that the teacher's act, the act that was complained of, was a legal act which the State Superintendent said he had a right to do. If the State Superintendent of Public Instruction believed he should have been dismissed he would have dismissed him.

I would like to say to the membership that I think it might be a good idea if after we adjourn today we would walk down the front steps and turn around and come back and read the inscriptions engraved in the stone surrounding the steps there. I noticed there was a quotation there by Benjamin Rousseau which said, "Freedom can exist only in the society of knowledge." I noticed another quotation which reads as follows: "Where liberty dwells there is my country," which was a quotation from that eminent patriot, Benjamin Franklin. Then I noticed another quotation which I would call to the attention of those men on the other side of the House who are so eager to get a law passed, regardless of what its meaning may be, from Benjamin Franklin which I think sums up the whole question and sums up my attitude and the attitude of many of the Members on this side of the House; this quotation is "Those who would give up essential liberties to purchase a little temporary safety deserve neither liberty nor safety."

I say to the Members of the House that Benjamin Franklin was employing his wisdom at its greatest when he wrote those words. We should consider those quotations and what they mean, and I think if we do we will

realize that those men on this side of the House who in their earnest solicitude to pass good laws have proffered amendments have been acting for themselves and for their constituents and they have not been acting for any selfish group. They have not been trying to protect anybody who might be guilty of any subversive activity of any description. For my part I have been interested in protecting the rights of all the 100,000 people in my district, people who day after day take their lives in their hands with their daily toil, people whose patriotism has not been questioned in the past and cannot be questioned now, and I say to you that coming from the greatest industrial district in the great state of Pennsylvania, a district where the defense program has its heart, that we are not bothered by this problem that the people from the eastern part of the state seem to feel is so important and so vital. We do not have these subversive people out in our part of the country, and I say to you that we want our liberties protected because we believe in the fundamental rights guaranteed to us under our form of government.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny Mr. Harkins.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. HARKINS. I will, Mr. Speaker.

Mr. TURNER. I would like to ask the gentleman from Allegheny, Mr. Harkins, whether he is willing to have a teacher in the schools advocate Communism without actually participating in overt acts.

Mr. HARKINS. Mr. Speaker, in answer to the gentleman's question, I would say that I am not in favor of having any teacher in the schools who is a Communist. I am, however, in favor of a definite, straightforward policy throughout all our law, and I do not believe in making it possible to dismiss a teacher for a cause and on the other hand say that the teacher has the proper right to do the thing of which we complain.

Mr. TURNER. Mr. Speaker, the amendments which were placed in this bill provide that they must advocate and openly participate. Now, I ask you, how are you going to follow the contradictory statements of the gentleman from Allegheny, Mr. Harkins, who says that he does not want any communistic teacher in the schools, but he next says that they must advocate and openly participate in the movement. Therefore it seems to me on the very face of it the absurdity of the argument is demonstrated.

Mr. McMILLEN. Mr. Speaker, this argument has gone along for some time. It seems as though for once, since I have come to this legislature early this year, the House is very seriously appreciating the importance of the teaching profession in Pennsylvania. Not long ago we had some salary increases up here; we had other salary increases bills and I am sorry to say, gentleman, the teachers receive the lowest, after the increase, of any salary yet put out of this House. Isn't it strange that we can come now to a realization that the teaching profession is so important in the state of Pennsylvania?

I am a teacher, and I am not ashamed of the profession. Coming from Indiana County, naturally a rural section, where not much is given and little expected, you couldn't expect me to take much part in this fight, but I do want to say to the Members of this House that the teachers in

Indiana County,—and I know practically every one of them personally, do not subscribe, will not tolerate nor be a part of a profession that will teach Communism.

We are an agricultural county, live rather closely to the soil, and that I think is somewhat good insurance against some of the "isms" that infest the metropolitan areas. As a teacher I feel it my duty right here on the floor of this House to make my position clear on this Communistic issue.

After viewing the imported lobbyists from Philadelphia I can well understand the position of a few of the gentlemen from Philadelphia who so courageously fight this legislation. After hearing them and listening to some of their conversation, being button-holed by some of them, not only by those teachers but some of the people who are sitting along the aisles of this room right now, I tell you, gentlemen, as someone mentioned about a Communist being a gentleman with a hairy face and big long beard, and so forth; many of them hide behind dark glasses and things like that,—you don't know them from the other gentlemen in the hall. They mix with us and they remind me somewhat of a little story I heard, when I see them out here in the vestibules with their hats down over their eyes, of the mother skunk and her little skunklets. The mother skunk and her little skunklets were out strolling one fine, juicy, foggy evening, strolling down the road and they saw in the distance a hunter with a dog and a gun. The little skunklets immediately became very, very much alarmed and gathered around the mamma skunk and cried "Oh, mamma dear, what shall we do; what shall we do?" The mother very gently got them around her and said "Now children, bow your heads and let us spray."

POINT OF ORDER

Mr. TARR. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Fayette will state his point of order.

Mr. TARR. The gentleman is not speaking on the bill before the House.

Mr. McMILLEN. Mr. Speaker, I am simply making an analysis of my stand on Communism and its relation to this bill.

The SPEAKER. Didn't the gentleman enjoy the skunk story?

Mr. TARR. Mr. Speaker, I am Chairman of the Game Committee, and any skunk matter would have to come to my Committee. I misunderstood the gentleman; I thought he was over on one of my game bills; I am sorry.

Mr. McMILLEN. Mr. Speaker, we talk about these people actively engaged and participating, taking an active part, committing overt acts as they are called, and spreading the doctrine and principle of subversivism into our lives. We do not find them in that activity, as the gentleman from Delaware, Mr. Turner, has well said; we find them mixing with the Legislators, button-holing them and brooding with them; you find them out here in the lobby. That is the type of gentlemen we have,—pardon me, the other animal is a better reference in my estimation. Naturally, I believe every man, regardless of where he works has a certain amount of tenure due him as long as he produces a piece of work, as long as he does that for which he is paid, but I also feel that as a teacher, when he does not do that job and do it according to the principles of the government that employs him and that supports him,

the door should swing out as well as in for him. I am willing right now to make this statement as a teacher, that if,—and I say "if," gentlemen,—if it is necessary for us as a teaching profession to give up every inch of the Teacher's Tenure Law, if it is necessary for us as a people to scrap every bit of civil service, everything behind which these people are hiding and issuing their poisoned arrows, then I say we had better scrap everything behind which they hide.

While it may protect me individually as a teacher in my job, yet if I protect this thing behind which these people are hiding, and they in turn lose everything for me, what have I individually to gain? So I say, if it is necessary to scrap all these things, let us scrap them. After all, it is a choice, and we run into the question right here of just which is the worst of the two evils, political patronage or civil service and Teachers Tenure, behind which these subversive elements hide. Gentlemen, you can change your politicians, and that in turn will change the complexion of the departments; you can put your finger on it, but today the taxpayer, the man who pays the bill, cannot get his finger on the people who are teaching his children these things he does not want taught to them, and I submit to you, gentlemen, that I am willing to submit my case to the parents whose children I am teaching.

I have right here,—and I do not think I need go very far,—right here a list of seven hundred deportable aliens that are harbored by the United States Department of Labor, and I think you are all aware, very well aware of Irving Cobb's very apt description of the lady who commands that department. I think that - - -

POINT OF ORDER

Mr. LEVY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. LEVY. Mr. Speaker, I have listened with a great deal of amusement and disappointment to the charges of Red flag waving and everything else, but I am not going to sit here and listen under the flag of Communism to one of the members of President Roosevelt's cabinet being castigated by a Member of the Assembly. I say to you, Mr. Speaker, that remark has no business on the floor of the House.

Mr. WOODSIDE. Mr. Speaker, I arise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, the gentleman who has raised the point of order is not raising a point of order at all; he is making a speech. If he wants to raise a point of order he ought to raise it. He is making a speech.

The SPEAKER. The gentleman is within his rights in criticizing a public official. The gentleman from Indiana has the floor. He will confine his remarks to the bill before the House, House Bill 448.

Mr. McMILLEN. Thank you, Mr. Speaker, I am talking on the bill and I can well appreciate the gentleman's objection.

QUESTION OF INFORMATION

Mr. LEVY. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. LEVY. Mr. Speaker, I would like to know whether the gentleman as a Member of the House knows when he is talking on a bill?

Mr. McMILLEN. Mr. Speaker, I have listened to the gentleman from Philadelphia, Mr. Levy, for a good many months, and I have often asked myself that same question.

POINT OF ORDER

Mr. LEVY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. LEVY. I raise the point of order, Mr. Speaker, because I think the gentleman on the other side is attempting by subterfuge to speak about a member of the President's cabinet, and that in all decency has no reference to House Bill 413 or House Bill 448.

The SPEAKER. The Chair has ruled on that question.

Mr. McMILLEN. Mr. Speaker, I just want to conclude with this statement, that it is very evident to me that the time has come when you are either for us or against us, and on that we had better soon decide.

Mr. BAKER. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Wolf, Paul A. Brunner, McIntosh, Croop, Owens, Chervenak, O'Mullen, Corrigan, Williams, Pettit, Polen, Tate, Burns, Tarr, Finestone, Boies, Matthew J. Welsh, Reynolds, Shaw, Melchoirre and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Foor,	McDowell,	Sarraf,
Auker,	Gates,	McClanaghan,	Scarlon,
Baker,	Gerard,	McClester,	Serrill,
Balthaser,	Gillan,	McFall,	Shaffer,
Bentzel,	Gillette,	McDermott,	Shaw,
Boies,	Goodwin,	McGrath,	Shepard,
Boney,	Gross,	McIntosh,	Simons,
Boorse,	Habbyshaw,	McKinney,	Skale,
Bower,	Haberlen,	McLanahan,	Snyder,
Bradley,	Haines,	McMillen,	Sollenberger,
Bretherick,	Hall,	McSurdy,	Sorg,
Brown,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, C. H.	Hare,	Mihm,	Stank,
Brunner, P. A.	Harkins,	Modell,	Stine,
Burns,	Heatherington,	Monks,	Stockham,
Burris,	Hering,	Mooney,	Tarr,
Cadwalader,	Herman,	Moran,	Tate,
Chervenak,	Hewitt,	Muir,	Taylor,
Chudoff,	Hirsch,	Munley,	Thompson,
Cochran,	Huntley,	Nagel,	Trout,
Cohen, M. M.	Imbrie,	Nunement,	Turner,
Cohen, R. E.,	James,	O'Brien,	VanAlisburg,
Cooper,	Jefferson,	O'Connor,	Vincent,
Cordier,	Jones, G. E.,	O'Dare,	Voldow,
Corrigan,	Jones, P. N.,	O'Mullen,	Voorbees,
Cullen,	Kenehan,	O'Neill,	Wagner,
Dalrymple,	Kline,	Owens,	Watkins,
DiGenova,	Knoble,	Pettitt,	Weingartner,
Dix,	Kolanki,	Polacki,	Weiss,
Dolon,	Krise,	Polen,	Welsh, E. B.
D'Ortona,	Lee, E. A.,	Powers,	Welsh, M. J.
Duffy,	Lee, T. H.,	Rank,	Williams,
Early,	Leisey,	Readi,	Winnier,
Elliot,	Leonard,	Reagan,	Wolf,
Ely,	Lesko,	Reese, D. P.,	Wood, L. H.,
		Reese, R. E.,	

Falkenstein,	Leydie,	Reynolds,	Woodring,
Finestone,	Lichtenwalter,	Rhea,	Woodside,
Finnerty,	Longo,	Riley,	Wright,
Fiss,	Lovett,	Rose, W. E.,	Yeakel,
Fleming,	Lyons,	Rosenfeld,	Yester,
Fletcher,	Malloy,	Royer,	Young,
Flynn,	Maxwell,	Rush,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 413, entitled:

An Act prohibiting the employment by the Commonwealth or any political subdivision thereof or by any authority or any institution receiving public funds of persons who hereafter advocate and actively participate in a movement proposing a change of the government of the United States by means not provided for in the Constitution of the United States providing for dismissals under existing laws and permitting appeals to courts of common pleas and appellate courts in all such cases.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I ask unanimous consent to offer amendments.

The SPEAKER. The gentleman is informed that the bill is on final passage.

Mr. TURNER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered so that I may ask unanimous consent to have the amendments read and the House will know the purpose for which I offer the amendments.

The SPEAKER. Will the gentleman withdraw his motion to reconsider the vote by which the bill passed third reading?

Mr. TURNER. Yes, Mr. Speaker, and if there are sufficient copies of the amendments there I would ask that a copy be sent to the gentleman from Allegheny, Mr. Brown, so that he may follow them when they are read.

The SPEAKER. Will the House give its unanimous consent to the reading of the amendments? Is there objection?

Mr. BROWN. Mr. Speaker, I do not feel that the amendments should be allowed. The gentleman has very naively tried to enumerate a number of organizations, all of which we are opposing, and I think the bill should be drawn in its general sense rather than its special sense. I think that is the way legislation ought to be passed. I am opposed to the draftsmanship of this type of legislation and ask that the House do not give its unanimous consent to the insertion of the amendments at this time.

The SPEAKER. The Chair hears objection and consent is not granted.

On the question recurring,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I endeavored to meet the objections of the gentleman from Allegheny, Mr. Brown, that we have specific legislation. The bill as it stands

says that you must advocate and actively participate by an overt act or acts in a movement proposing a change in the form of government of the United States by means not provided for in the Constitution of the United States. I think this places squarely before us that which I tried to say in the remarks I made with reference to House Bill 448, to advocate and openly participate or actively participate in overt acts, open acts with a criminal intent, to change the form of government by force, that can be the only meaning; therefore it would seem to me that if the gentleman from Allegheny, Mr. Brown, is sincere in what he has said just now, that they are opposed to Communism, Fascism or Naziism, he should admit these amendments rather than ask that they be refused.

PARLIAMENTARY INQUIRY

Mr. WALTER E. ROSE. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Cambria will state his question of parliamentary inquiry.

Mr. WALTER E. ROSE. Mr. Speaker, are we not now considering House Bill 413, Printer's No. 1100?

The SPEAKER. That is correct.

Mr. WALTER E. ROSE. Mr. Speaker, I cannot follow the amendments offered by the gentleman from Delaware in my bill. Are they drawn to this bill?

Mr. TURNER. Mr. Speaker, they are drawn to House Bill No. 413, Printer's No. 1100.

The SPEAKER. House Bill No. 413, Printer's No. 1100.

Mr. WALTER E. ROSE. May I ask, Mr. Speaker, whether they begin at line 10, page 2, section 1?

Mr. TURNER. Mr. Speaker, the first amendment is to the title on page one, line four. The second amendment is to the title, page one, line 7; the third amendment is to amend section one, page 1 line 7 by inserting after the word "who"—

Mr. WALTER E. ROSE. Mr. Speaker, there is no word "who" in my copy.

Mr. AUKER. Mr. Speaker, in order to clarify the matter, I do not believe that the amendments as proposed by Mr. Turner are in the Printer's No. given to us by the gentleman from Allegheny, Mr. Brown, the other day.

Mr. TURNER. Mr. Speaker, in order to straighten this matter out I ask that the bill be temporarily passed over.

The SPEAKER. Will the House give its unanimous consent to have this bill passed over? Is there objection? The Chair hears objections and consent is not granted.

On the question recurring.

Shall the bill pass finally?

Mr. STOCKHAM. Mr. Speaker, this bill has been discussed quite at length with the bill that was just passed. Permit me just one or two reflections. May I suggest that we must look to the soul of this nation. I have gotten to those years when I possibly can reflect upon the years gone by in school and in early business and industrial pursuits, something of what this nation stood for. I remember in my school days there were no such questions occurring within the schools as had to do with those things that would tear down our constitution. We were taught all that it stood for, all that is right. I observed the growth and the advance of the organization of labor, that they might have their rights and defend their place in the industrial world. I observed the privileges of business under the laws and under the Constitution. And

then too through those years I have observed those people who came into this country from foreign lands, glad to get here, glad to become citizens of the United States.

First they came from the northern tier and then after years of privilege, after years of opportunity they began to come from central and southern Europe, and they have added much to the growth of this country.

I have observed what happened with labor busily at work and industry planning big things, in the growth of the nation. I observed the increased respect of foreign nations for the United States of America and I have observed through it all that the United States was willing to live with monarchies, both absolute and constitutional, and I observed that those monarchies in their place under the sun were willing that the United States might grow and thrive, or at least not try to tear down our tradition. With all this, gentlemen of the House, those people became subjects of the United States through naturalization, —and many of us were the children of those aliens,— those people from foreign lands who came here, and when we remember that all through the early years, all the difficulties and all the trouble in Europe, this country when it was a weakling was able to keep out of the mess that was created there, we have a right to think of the soul of the nation, the soul of the people, the soul of a great Christian philosophy.

I know that there are millions of people abroad today who would give anything to become citizens of this country. I know that there are millions of children in Europe who would give anything to be taught in the American schools and the American way of living. It may be that corruption abroad, down through the centuries, tolerated by the governing heads, even when there was some semblance of representation in government, is the cause of the difficulties that are happening today.

However, I believe down in the hearts of the European citizens themselves there is that great fear of God, that desire to worship God, that desire to worship under that religion and those tenets which those of us who call ourselves Christians have developed as no other people have developed them in the world before,—and we are face to face with leaderships in Europe today that are pagan and are godless.

Now, if this be true, is there any reason under heaven why this paganism and this godlessness should be allowed to crop up in the teachings of our youth? There has been a real recognition and there was cited here on the floor of this House today and for the last few days, the recognition of our inalienable rights. It has been manifested through the years how jealous various Christian groups have been of their rights in schools; how jealous we have been of the rights of business to transact its affairs under the laws and under the Constitution. We have learned to know and to be jealous of the rights of laborer to his pursuit of his place in industry. When I was a boy I can remember there was nothing done to tear down industry. All that labor unions did was to see that the laborer had a right to some recognition and a decent living, and in every other way and every other fashion he worked with the employer.

POINT OF ORDER

Mr. MAXWELL. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Westmoreland will state his point of order.

Mr. MAXWELL. Mr. Speaker, is the gentleman speaking on House Bill No. 413?

Mr. STOCKHAM. He is, Mr. Speaker.

The SPEAKER. The gentleman will confine himself to the bill before the House. The gentleman will proceed.

Mr. BAKER. Mr. Speaker, I believe both of these bills have been debated backwards and frontwards and every other way, and I move the previous question.

The SPEAKER. Will the gentleman withdraw his motion until the gentleman from Bucks has completed his remarks?

Mr. BAKER. I will do that, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Allegheny. The gentleman from Bucks will proceed.

Mr. STOCKHAM. Mr. Speaker, continuing my thoughts on these measures, I believe it is rather audacious for those of Communistic leanings or teachings in Naziism to take the stand that is taken in Legislative halls today when we get up to defend the rights of our citizenry, our citizenship.

It was Patrick Henry, you will remember, in those famous words after he finished when he said: "Give me liberty or give me death," there was a murmur over the House and someone said "He speaks treason." Patrick Henry answered "if that be treason make the most of it."

I hold that it is almost treasonable, I hold that the words we have used today as subversive are almost of themselves treasonable in the sense that we do not have the right to put on the statute books laws that may defend our liberty.

I am not of the legal fraternity; I bow in great respect to those members of this House who are, to the position taken by the member from Allegheny and to the discourses as I have heard them from the various lawyers of this House on these subjects in the past few days, but I do want to remind you men, every one of you, if you please, that the law is predicated upon the soul of the nation, and I do think that it is the soul that is in you, that is in me, that makes man willing to give up everything of his substance and of his blood to defend those rights, and that he has a right too to stop those things that creep in and that undermine and destroy.

I challenge every man here to those great rights because this country has grown because of this privilege that has been ours under these inalienable rights, and upon that premise I hold that we should look, within our own souls and our own beings and that we should defend everything. I hold too that we have the right of opinion as to those in high place, be they Federal or be they state, who would undermine our government; we have a right to know these things. So please, gentlemen, in considering these bills as they may be amended, let us not forget those rights and those privileges.

RECONSIDERATION OF VOTE

Mr. STOCKHAM. Therefore, Mr. Speaker, I move that the vote which House Bill No. 413, Printer's No. 1100 passed third reading be reconsidered.

Mr. TURNER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Bucks, Mr. Stockham, vote on the bill on third reading?

Mr. STOCKHAM. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Delaware, Mr. Turner, vote on the passage of this bill on third reading?

Mr. TURNER. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

POINT OF ORDER

Mr. MODEL. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. MODEL. Mr. Speaker, is anything in order except the calling of the roll at this time?

The SPEAKER. A motion to reconsider is in order.

PARLIAMENTARY INQUIRY

Mr. WALTER E. ROSE. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Cambria will state his question of parliamentary inquiry.

Mr. WALTER E. ROSE. Mr. Speaker, before considering the motion, or before deciding the question of the reconsideration of the vote by which this bill passed third reading, I would like to inquire if the bill is in proper position for final passage, inasmuch as the amendments offered by the gentleman from Allegheny, Mr. Brown, are not shown on this bill as amended? It is difficult to tell what was in the bill and what is in it now, both in the title and in section one.

Mr. BROWN. Mr. Speaker, will the gentleman from Cambria, Mr. Rose, state his point of order again? I am sorry I did not hear it.

The SPEAKER. It is a question of parliamentary inquiry to the effect that the amendments of the gentleman from Allegheny, Mr. Brown, do not show in Printer's No. 1100.

Mr. BROWN. In what part, may I ask, Mr. Speaker?

The SPEAKER. Will the gentleman from Cambria please explain?

Mr. WALTER E. ROSE. Mr. Speaker, in the title in line two, the last word and beginning line three, the word "institutions." Then in section one, page one, line two the words "by an overt act or acts"; as I recall those were the amendments offered by the gentleman from Allegheny, and they are not shown as such here, to show what the bill is in its present form.

Mr. BROWN. Mr. Speaker, Printer's No. 1100, House Bill No. 413 will show those amendments. I wonder if the gentleman has the correct Printer's No.

Mr. WALTER E. ROSE. Mr. Speaker, I have Printer's No. 1100. There is nothing there about "overt act" in an amendment.

Mr. Speaker, for the information of the gentleman I might say for the record, it seems to indicate that the original Printer's No. 1034 shows in section one, "No person whose philosophy doctrine or object or who is a member of any organization or group whose philosophy, doctrine or object proposes the change of the present democratic form of government—" as reprinted after the amendment and shown in Printer's No. 1080.

Mr. BROWN. Mr. Speaker, I call the gentleman's attention to the fact that the bill was amended twice. In

Printer's No. 1030 the gentleman will see that those amendments were inserted. In Printer's No. 1100 we have the amendments in but not shown. We only show on Printer's No. 1100 the amendments inserted on third reading. If the gentleman will turn over to page two he will see the amendments that were inserted on third reading, beginning on page two, line twenty and ending on line twenty-four.

QUESTION OF INFORMATION

Mr. WALTER E. ROSE. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Cambria will state his question of information.

Mr. WALTER E. ROSE. Mr. Speaker, should not the bill as we vote on it finally show each step in the amendments or deletion of any part of the bill, in order that we may consider the bill as compared with the previous form?

The SPEAKER. Apparently the gentleman does not understand the system of amending.

Mr. WALTER E. ROSE. I beg to differ, Mr. Speaker. I think I understand.

The SPEAKER. In amended bills in the last stage previous amendments are not indicated.

Mr. WALTER E. ROSE. Are there no italics, Mr. Speaker, to indicate the amendments?

The SPEAKER. There are not.

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Brown.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BROWN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, may I ask the gentleman from Allegheny, Mr. Brown, whether he has a copy of House Bill 413 in front of him, Printer's No. 1100.

Mr. BROWN. Yes, I do, Mr. Speaker.

Mr. TURNER. Mr. Speaker, is the gentleman looking at the title? Line 4 of the title, the words "overt act" do not appear. Does that mean that the title is defective?

Mr. BROWN. It does not, Mr. Speaker. I rely on the famous case decided by our Supreme Court—I do not recall the direct citation. The Supreme Court said the title does not necessarily have to be an index, if it gives fair notice of what is contained in the bill.

Mr. TURNER. Mr. Speaker, I quite agree that that is the literal construction of the act, but inasmuch as he has inserted "by an overt act," does not that become a very important and necessary part of the notice as required.

Mr. BROWN. I believe not, Mr. Speaker. I believe that the title is perfect here. I do not think it is necessary in the title under the decision of the Supreme Court to do more than give fair notice of what the bill contains.

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Delaware will state his question of information.

Mr. TURNER. Mr. Speaker, I have now in my possession a set of the amendments which have been properly fitted to Printer's No. 1100. Unfortunately, they were made to Printer's No. 1080, and I sent them back to be fitted to Printer's No. 1100. I did not look at them after

they came back to me. Apparently the only thing they did was to change Printer's No. 1080 to Printer's No. 1100.

The gentleman from Bucks, Mr. Stockham, has now made a motion to reconsider the vote. I wonder whether the majority will permit us to read the amendments now for the purpose of information so that if the vote is reconsidered we may introduce these amendments.

The SPEAKER. Will the House give its unanimous consent for the reading of these amendments. Is there objection?

Mr. BROWN. Mr. Speaker, while I cannot speak for the majority, I would ask the members on this side of the House to give the courtesy to the gentleman from Delaware, Mr. Turner, that he might have the amendments read.

The SPEAKER. The Chair hears no objections. The amendments will be read for the information of the House.

Will the gentleman from Bucks, Mr. Stockham, withdraw his motion to reconsider the vote by which this bill passed third reading?

Mr. STOCKHAM. Yes, I will, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Bucks.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 3, by inserting after the word "who" and before the word "hereafter" the following: "heretofore or."

Amend title, page 1, line 6, by inserting after the word "United States" and before "providing" the following:

"or are members of any organization promoting or advocating Communism, Facism, or Naziism or as a teacher in schools supported by public funds advocated or hereafter advocates Communism, Facism, or Naziism."

Amend Sec. 1, page 1, line 1, by inserting after the word "who" and before the word "hereafter" the following:

"heretofore has advocated or actively participated or".

Amend Sec. 1, page 2, line 2, by inserting after the words "United States" and before "by" the following: "or who is a member of any kind of organization of individuals promoting or advocating Communism, Facism or Naziism or who being a teacher in any school supported by public funds has advocated or continues to advocate Communism, Facism, or Naziism."

Mr. TURNER. Mr. Speaker, I call your particular attention to the fact that in the amendments to the act, page 1, line 6, should be line 7 instead of line 6. In the counting the lines an error was made and they undoubtedly got the wrong line. It should be line 7.

RECONSIDERATION OF VOTE

Mr. TURNER. Mr. Speaker, I move that the vote by which this bill, House Bill 413, Printer's No. 1100, passed third reading be reconsidered.

On the question,

Will the House agree to the motion?

Mr. BROWN. Mr. Speaker, I urge upon the Members to vote down this motion. I think the amendments have been covered in our discussion during the last several days.

The amendments should be divided into three parts, first of all naming Communism, Facism, and Naziism in the bill. My answer to that is simply this, that if these organizations propose the overthrow of the government by a means not provided for by the Constitution, they are sufficiently taken care of in the bill, and this amendment is so much surplusage.

So far as the question of striking out the conjunction, "and" and putting in the word "or" the gentleman from Dauphin and myself debated that some few days ago at length. I will not go over that discussion, but I will direct your attention to that discussion.

The third and last thing to be accomplished by this amendment is something having to do with the teachers and making a separate provision for teachers aside from the general bill. I would say that is bad legislation; this is a general bill. If the gentleman from Delaware, Mr. Turner desires to amend the Teacher's Tenure Act, he should do it in that bill and not in this. I, therefore, ask the members to vote down this motion.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Brown.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BROWN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, if House Bill No. 396, which was introduced by me some time in January, amending the Teacher's Tenure Act, is amended to provide for Communism, Naziism and Facism as provided in this act, will the gentleman from Allegheny, Mr. Brown support them?

Mr. BROWN. Mr. Speaker, I will not commit myself on any bill that I have not read or been familiar with. I will be glad to talk with the gentleman personally and give him my opinion. I think it is bad policy for any Member of this House who is not familiar with a bill to give any opinion as to what he will do on a bill before he has studied it. I do not say that facetiously to the gentleman from Delaware, Mr. Turner, but I think the question is wholly unfair. Whether or not the particular designation of the organizations should be put into the bill, I am not able to say. I would, however, say to the gentleman from Delaware, Mr. Turner in my personal opinion it has nothing to do with it, and I hope we will not fall into the error of trying to bind anybody as to what he will do on a particular bill. I will be glad to give the bill the utmost consideration, and if I feel that in amending the Teacher's Tenure Act these designations should go in, I would be the first man on the floor to say so, but I do not care to bind myself on any piece of legislation before I have read it.

Mr. TURNER. Mr. Speaker, I do not intend to protract the debate. I understood the gentleman from Allegheny Mr. Brown to say that this is a general bill and should not have these specific provisions inserted in it.

Mr. BROWN. Mr. Speaker, I said special.

Mr. TURNER. That if the Teachers Tenure Act were to be amended, that would be something else. I agree with the gentleman from Allegheny, Mr. Brown, and I would not ask him for a minute to talk on a bill which he did not know anything about or the provisions of which he had not seen, but I assumed from his statements that he was saying if the Teachers Tenure Act was so amended he would be in favor of it. If I am wrong in that then I am very sorry.

It seems to me we are facing the fact and the very question that was raised all along; we know there is no use debating it any further. We believe on this side as was demonstrated by the things we have said, and I believe that the great majority of the men on the other side also believe that there is a line of demarcation between saying that you advocate the overthrow of the

government openly by overt acts, to participate in that,—of course we are against that; that is the reason why we voted for the bill that was before you,—we couldn't argue against that, but it doesn't go far enough, and it does not meet the problem.

I could go on here and pile up arguments why I do not think it meets the problem and why you should agree to these amendments in order that we might in some degree, if not entirely, try to meet it, but the hour is late and the debate has been going on now for a considerable length of time. Mr. Speaker, I therefore ask the Members of the House to support these amendments when offered.

Mr. WALTER E. ROSE. Mr. Speaker, I would like to add a few words on the motion to reconsider. This bill in its present form is not printed in conformity with our rule 49. I think we should go back and reconsider this, even if the amendments be defeated, at least have it printed in proper form. Our responsibility here is too great deliberately to pass legislation in violation of one of the rules of the House that prescribes our procedure.

The SPEAKER. Will the gentleman yield? For the information of the gentleman from Cambria the Chair would inform him that we have been operating under a revised system of amending bills with the consent of the House, both the majority and the minority floor leaders.

Mr. WALTER E. ROSE. Even so, Mr. Speaker, the rules prescribe that amendments must be printed in italics and indicated in the succeeding Printer's No., which has not been done in Printer's No. 1100.

The SPEAKER. By consent that rule has been suspended for this session.

Mr. WALTER E. ROSE. My, point, Mr. Speaker, is that we have indicated insertions in italics as in previous years. This bill does not have the amendments in italics and I know of no bill in this session which was allowed to pass in this form.

The SPEAKER. The gentleman is in error. When the amendments were inserted in the previous Printer's Nos. they appeared in italics and in brackets in succeeding reprints. The Chair is of the opinion that the gentleman from Cambria is in error, and would request the gentleman to come to the desk with a copy of the bill.

Mr. WALTER E. ROSE. Mr. Speaker, the members could vote yes on this motion to reconsider so that we would have it in proper form when we vote finally on it.

The SPEAKER. The Chair would inform the gentleman that the bill is in proper form. With the consent of both the majority and the minority floor leaders the rule was suspended for this session.

Mr. WOODSIDE. Mr. Speaker, I just want to say that my understanding of the practice in the handling of amendments is in accordance with that of the Speaker.

The SPEAKER. The Chair thanks the gentleman from Dauphin.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Turner and Mr. Woodside and were as follows:

YEAS—88

Auker,	Foor,	Lee, E. A.,	Rhea,
Boney,	Gates,	Lee, T. R.,	Rose, W. E.,
Boorse,	Gillan,	Eisey,	Royer,
Bower,	Gillette,	Leydic,	Serrill,
Bretherick,	Greenwood,	Lichtenwalter,	Simons,

Brunner, C. H.,	Gross,	Lyons,	Snyder,
Cadwalader,	Gryskewicz,	McClester,	Sollenberger,
Chervenak,	Gyger,	McDowell,	Sorg,
Cook,	Habbyshaw,	McKinney,	Stockham,
Cooper,	Haines,	McMillen,	Tate,
Cordier,	Hall,	McSurdy,	Taylor,
Corrigan,	Hare,	Melchiorre,	Trout,
Dalrymple,	Helm,	Muir,	Turner,
Dennison,	Hersch,	Nagel,	VanAllesburg,
DiGenova,	Hewitt,	Nunemacher,	Wagner,
Dix,	Huntley,	O'Brien,	Watkins,
Ely,	Imbrie,	O'Dare,	Wilkinson,
Falkenstein,	James,	O'Mullen,	Wood, L. H.,
Fisher,	Kline,	O'Neill,	Woodside,
Fliss,	Knoble,	Polen,	Yeakel,
Fleming,	Kolankiewicz,	Reagan,	Kilroy, Speaker.
Fletcher,	Krise,	Reese, D. P.,	

NAYS—77

Achterman,	Finestone,	Longo,	Powers,
Baker,	Finnerty,	Lovett,	Readinger,
Balthaser,	Flynn,	Malloy,	Reese, R. E.,
Bentley,	Gerard,	Maxwell,	Rush,
Bentzel,	Goodwin,	McClanaghan,	Scanlon,
Boles,	Haberlen,	McDermott,	Shepard,
Brown,	Harkins,	McFall,	Stine,
Brunner, P. A.,	Heatherington,	McIntosh,	Tarr,
Burns,	Hering,	McLane,	Thompson, E. F.,
Chudoff,	Herman,	Mihm,	Vincent,
Cochran,	Hirsch,	Modell,	Vogt,
Cohen, M. M.,	Holland,	Monks,	Voldow,
Cohen, R. E.,	Jefferson,	Mooney,	Weiss,
Croop,	Jones, P. N.,	Moran,	Welsh, E. B.,
Cullen,	Kenehan,	Munley,	Welsh, M. J.,
Dolon,	Komorowski,	O'Connor,	Williams,
Duffy,	Leonard,	Owens,	Woodring,
Early,	Lesko,	Petrosky,	Wright,
Elliott,	Levy,	Pettit,	Yester,
		Polaski,	Young,

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. ELWOOD J. TURNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 3, by inserting after the word "who" and before the word "hereafter" the following: "heretofore or."

Amend title, page 1, line 7, by inserting after the word "United States" and before "providing" the following: "or are members of any organization promoting or advocating Communism, Fascism, or Naziism or as a teacher in schools supported by public funds advocated or hereafter advocates Communism, Fascism, or Naziism."

Amend Sect. 1, page 1, line 1, by inserting after the word "who" and before the word "hereafter" the following: "heretofore has advocated or actively participated or."

Amend Sect. 1, page 2, line 2, by inserting after the words "United States" and before "by" the following: "or who is a member of any kind of organization of individuals promoting or advocating Communism, Fascism or Naziism or who being a teacher in any school supported by public funds has advocated or continues to advocate Communism, Fascism, or Naziism."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection?

POINT OF ORDER

Mr. LEVY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. LEVY. Mr. Speaker, is it not necessary for the gentleman from Delaware to obtain unanimous consent

on the part of the House to ask for consideration of the amendments?

The SPEAKER. The point of order is well taken.

Mr. TURNER. Mr. Speaker, the gentleman from Delaware has asked for unanimous consent.

The SPEAKER. Will the House give its unanimous consent? Is there objection? The Chair hears objection and consent is not granted.

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, the point of order is that the cry of "no" from the floor of the House is not a legitimate objection. Any one making objection should rise to his feet, be recognized by the Chair, and then make his objections.

The SPEAKER. The method followed by the Chair in recognizing objections to requests for unanimous consent has been sanctioned by long usage. The Chair hears objections.

MOTION TO RECONSIDER VOTE

Mr. TURNER. Mr. Speaker, in view of the objections to unanimous consent made on the other side of the House, I now move that the vote by which this bill was ordered to be transcribed for third reading be reconsidered.

Mr. WOODSIDE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Delaware, Mr. Turner, vote on the final passage of this bill?

Mr. TURNER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Dauphin, Mr. Woodside, vote on the final passage of this bill?

Mr. WOODSIDE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

Mr. BROWN. Mr. Speaker, I am somewhat confused and I feel that many of the Members are confused. Am I correct in assuming that we are voting now on whether or not the vote by which this bill was ordered to be transcribed for third reading be reconsidered?

The SPEAKER. That is correct.

Mr. BROWN. Mr. Speaker, it is useless to put any extended remarks into the record, but I do feel that this play now is just a play to accomplish delay. The bill is satisfactory to everybody with the exception of a few on the other side of the House. However, if they feel that they must gain their purpose, certainly I would be the last man to stand up here and take the time of the House on this hot day to get into a parliamentary wrangle over this bill. I think we ought to defeat this motion and the bill ought to go on to final passage as it was originally drafted and amended. Therefore, I ask the Members of the House to vote down this motion to reconsider.

Mr. TURNER. Mr. Speaker, I would certainly be the last one on this hot day to prolong this debate. I am possibly suffering more than anyone else in this House except the gentleman from Allegheny, Mr. Leydic. However, this is too important a matter, far too important, and I feel that the Members of the House ought to have an opportunity to vote on the amendments themselves.

I do not want to take up the time of the House. If unanimous consent had been granted the amendments would have been before the House and the Members would have had the opportunity to pass upon them, but some Members on the other side did not want to give unanimous consent. Therefore, I am forced, Mr. Speaker, to make the motion and to ask for a roll call, much as I dislike to do so and take up the time of the Members of the House.

Mr. BROWN. Mr. Speaker, I simply want to call the Member's attention to the absurd situation we will be in with House Bill 413 passing in one form and House Bill 448 in another. If we are perfectly sincere in this, why not pass House Bill 413, which is a companion bill to House Bill 448 and let both of them go to the Senate in the same way? It seems to me the height of inconsistency to say that if House Bill 413 is amended in one way then House Bill 448 should be amended in another way.

Mr. WOODSIDE. Mr. Speaker, during this entire session the majority and the minority have cooperated to the fullest extent to permit the Members of the House to have full expression on all these important issues. The situation now is that this House by a majority vote has indicated its desire to take up these amendments by their agreeing to the motion to reconsider the vote by which it passed third reading. I think this situation is very similar to many instances during the session where once the vote is taken and the opinion of the House is determined, the majority of the Members of the House determine that thereafter the House be permitted by unanimous consent to proceed to the matter at issue. The House by a majority vote has indicated its willingness and its desire to have the bill reconsidered, and I think that is an indication that the House wants these amendments presented and voted upon. If we are compelled to move the bill back to second reading, and the amendments adopted, the bill will be back on the calendar third reading, it is true. If they are defeated the bill will be back on second reading. We have consumed a lot of the time of the House in debating this matter, and I think in fairness the gentlemen on the other side should withdraw their objections to unanimous consent and permit a vote on the amendments.

PARLIAMENTARY INQUIRY

Mr. SHEPARD. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. SHEPARD. Mr. Speaker, if this motion prevails, and the bill is moved back to second reading, will it not require another legislative day to pass the bill?

The SPEAKER. It will if the amendments are agreed to. The bill will then be placed on the third reading calendar.

Mr. SHEPARD. But even, Mr. Speaker, if they are not agreed to, if the bill is moved back to second reading, will it not require another legislative day to pass the bill?

The SPEAKER. If the bill goes back to second reading it will then be on second reading.

Mr. SHEPARD. Mr. Speaker, and it cannot be passed on finally today?

The SPEAKER. The bill could not be passed on finally today. It would require another legislative day.

Mr. SHEPARD. Mr. Speaker, I rise in opposition to the reconsideration of this vote. We have been on these bills long enough. I am opposed, Mr. Speaker, to teachers teaching any kind of "isms" in the schools, Naziism, Fascism, or Communism or even Republicanism. I think the teachers ought to teach what they are supposed to teach. I am informed that we have had teachers teaching all kinds of politics in the schools. The Teacher's Tenure Act decided on these points, and this bill will be an opening gap for the teachers that were teaching a lot of "isms," Communism, Fascism and Naziism or any other "ism" in this Commonwealth.

Mr. TURNER. Mr. Speaker, I note from the calendar that this bill was introduced on February 18. Certainly another day will not hurt it.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Turner and Mr. Woodside.

Messrs. Maxwell, Petrosky and Tarr asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—90

Auker,	Fletcher,	Leydie,	Royer,
Boney,	Foor,	Lichtenwalter,	Serrill,
Boorse,	Gates,	Lyons,	Shaw,
Bower,	Gillette,	McClester,	Simons,
Bretherick,	Greenwood,	McDowell,	Snyder,
Brunner, C. H.,	Gross,	McKinney,	Sollenberger,
Burriss,	Habbyshaw,	McMillen,	Sorg,
Cadwalader,	Haines,	McSurdy,	Stockham,
Chervensak,	Hall,	Malchiorre,	Tate,
Cook,	Hare,	Muir,	Taylor,
Cooper,	Helm,	Nagel,	Trout,
Coordier,	Hering,	O'Brien,	Turner,
Corrigan,	Hersch,	O'Dare,	Van Alsbury,
Dalrymple,	Huntley,	O'Mullen,	Wagner,
Dennison,	Imbrie,	Polaski,	Watkins,
DiGenova,	James,	Polen,	Wilkinson,
Dix,	Jones, G. E.,	Rank,	Winnier,
D'Ortona,	Kline,	Reagan,	Wood, L. H.,
Ely,	Knobie,	Reese, D. P.,	Woodside,
Falkenstein,	Kolankiewicz,	Reynolds,	Yeakel,
Fisher,	Krise,	Rhea,	Kilroy,
Fiss,	Lee, E. A.,	Riley,	Speaker,
Fleming,	Leisey,	Rose, W. E.,	

NAYS—83

Achterman,	Gerard,	McClanaghan,	Rosenfeld,
Baker,	Goodwin,	McDermott,	Russ,
Balthaser,	Haberlen,	McFall,	Sarrafi,
Bentley,	Hamilton,	McIntosh,	Scanlon,
Bentzel,	Harkins,	McLanahan,	Shaffer,
Boles,	Harris,	McLane,	Shepard,
Brown,	Heatherington,	Mihm,	Stine,
Brunner, P. A.,	Herman,	Modell,	Tarr,
Burns,	Hirsch,	Monks,	Thompson, R. P.,
Chudoff,	Holland,	Mooney,	Vincent,
Cochran,	Jefferson,	Moran,	Vogt,
Cohen, M. M.,	Jones, P. N.,	Munley,	Voldow,
Cohen, R. E.,	Kenehan,	O'Connor,	Welsh,
Croop,	Komorowski,	O'Neill,	Welsh, E. B.,
Oullen,	Leonard,	Owens,	Welsh, M. J.,
Dolon,	Lasko,	Petrosky,	Williams,
Duffy,	Levy,	Pettit,	Woodring,
Early,	Longo,	Powers,	Wright,
Finestone,	Lovett,	Rausch,	Yester,
Finnerty,	Malloy,	Readinger,	Young,
Flynn,	Maxwell,	Reese, R. E.,	

So the question was determined in the affirmative and the motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. BROWN. Mr. Speaker, is the next procedure on House Bill 413 the question of whether or not the House will agree to the amendments offered by the gentleman from Delaware, Mr. Turner?

The SPEAKER. The next step in the procedure will be to reconsider the vote by which the bill passed second reading; that would be the next question for the Chair to receive.

Mr. BROWN. Mr. Speaker, I know we all want to abide by the rule of the majority, and if the will of the majority prevails I will voice no sentiment against it. However, I will ask the Members whether or not, with all of the high sounding language of the amendments,—I just had a chance to go through them carefully,—there is one amendment by which the gentleman from Delaware, Mr. Turner, takes out the word "hereafter" and puts in the word "heretofore." I believe that is the heart of all the amendments. What would happen? It would create one of the greatest witch hunts that has ever been had in the state.

In other words, the Department heads could go back ten or fifteen years. If there is any merit in the other amendments offered by the gentleman from Delaware, Mr. Turner, I will be glad to sit down with him and go over them, but I am sure the Members of the House do not want to open the flood gates of such a cruel abuse of power as is contained in this bill, by striking out the word "hereafter" and inserting instead the word "heretofore" without limitation of time for these amendments.

BILL AND AMENDMENTS LAID ON TABLE

Mr. BROWN. Mr. Speaker, I move that the bill and the amendments be laid on the table.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LEVY asked and obtained permission for the Committee on Workmen's Compensation to meet during the session of the House for the purpose of considering House Bill 1768.

RESOLUTIONS

RECALLING HOUSE BILL No. 107 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 107, Printer's No. 742, entitled "An Act to amend section eleven of the act approved the twenty-seventh day of April 1927 (P. L. 395) entitled 'An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation,' as amended, by providing that certain

toll bridges heretofore or hereafter acquired by the Department of Highways may be free bridges from the effective date of this act or from the date they are so acquired

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 267 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 267, Printer's No. 713, entitled "An Act making an appropriation to aid certain school districts,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 280 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 280, Printer's No. 583, entitled "An Act making an appropriation to the Trustees of the College of Lincoln University Chester County,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 305 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 305, Printer's No. 737, entitled "An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school."

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 351 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 351, Printer's No. 600, entitled "An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 404 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 404, Printer's No. 1059, entitled "An Act relating to marriage and amending revising consolidating and changing the law relating thereto,"

be recalled from the Governor for further consideration.
Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 472 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 472, Printer's No. 680, entitled "An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children,"

be recalled from the Governor for further consideration.
Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 502 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 502, Printer's No. 783, entitled "An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania certain land which is the site of an old fortress known as Old Garrison in the City of Franklin Venango County or so much thereof as may be necessary as a historical memorial providing for the control management supervision and improvement thereof authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison and making an appropriation

be recalled from the Governor for further consideration.
Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 586 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 586, Printer's No. 586, entitled "An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds",

be recalled from the Governor for further consideration.
Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 611 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 611, Printer's No. 773, entitled "An Act providing for the acquisition by the Department of Forests and Waters in the name of the Commonwealth of certain lands in Luzerne Sullivan and Wyoming Counties for use as a State Park making an appropriation for said acquisition providing for the management of said property by said department and defining the uses to which the property shall be put",

be recalled from the Governor for further consideration.
Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 614 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 614, Printer's No. 616, entitled "An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania",

be recalled from the Governor for further consideration.
Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 650 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 650, Printer's No. 164, entitled "An Act to amend section seven of the Act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled 'An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the motor license fund for the purposes of this act' as last amended by providing for the

changing of width lines location or grades of streets in cities of the second class second class A and third class by the Department of Highways without the consent of the city in which said street is located relieving the city from liability for damages in such cases and imposing liability for damages upon the Commonwealth of Pennsylvania",

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1003 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1003, Printer's No. 591, entitled "An Act making an appropriation to the Moore Institute of Art Science and Industry formerly Philadelphia School of Design for Women at Philadelphia Pennsylvania",

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1065 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1065, Printer's No. 599, entitled "An act making an appropriation to the National Farm School at Doylestown, Pennsylvania",

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1068 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1068, Printer's No. 592, entitled "An Act making an appropriation to the Trustees of the University of Pennsylvania",

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1321 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1321, Printer's No. 602, entitled "An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital",

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1334 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1334, Printer's No. 588, entitled "An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford",

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1590 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1590, Printer's No. 572, entitled "An Act making an appropriation to the Board of Trustees of the Philadelphia Museum Philadelphia",

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1591 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1591, Printer's No. 634, entitled "An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia",

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1659 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1659, Printer's No. 775, entitled "An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons associations and corporations,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1722 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1722, Printer's No. 836, entitled "An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

RESOLUTIONS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 1, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 151, Printer's No. 39, entitled:

An Act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office and validating deeds heretofore so executed

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 1, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 572, Printer's No. 253, entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 1, 1941.

Resolved, (If the House of Representatives concur), That Senate Bill No. 599, Printer's No. 342, entitled:

An Act to amend section three of the act approved the

twenty-third day of March one thousand eight hundred and sixty-five (P. L. 607) entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL REINSTATED ON CALENDAR

Mr. HIRSCH. Mr. Speaker, I move that House Bill No. 1231, Printer's No. 920, entitled:

An Act to promote the general welfare and to protect the health, safety, morals and standards of living of the people of the Commonwealth of Pennsylvania by providing for the elimination of wage and hour standards detrimental to the health, safety, morals and standard of living of workers, to establish minimum wage and maximum hour standards; to prescribe the powers and duties of the Department of Labor and Industry under this act, and for other purposes.

which was dropped under the rules of the House from the third reading postponed calendar at the end of five days be reinstated on the third reading postponed calendar.

The motion was agreed to.

CONGRATULATORY RESOLUTION

Mr. TURNER offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

In the House of Representatives, July 1st, 1941.

Whereas, On July 1st, 1900, there entered into this vale of tears one, Louis Wilgarde, who now retains very little resemblance to that small child then crying in his mother's arms; and

Whereas, The figure forty-one does not refer to Mr. Wilgarde's waist, but to his chronological age; and

Whereas, On July 1st, 1900, we have been reliably informed, there was no mustache present, where now there flourishes one of the best; and

Whereas, This baby grew up to be a newspaper man of considerable skill, a soldier who distinguished himself in the service of his country during the World War, and an adept publicist for the Philadelphia Democratic delegation in the Legislature; and

Whereas, During the past years, he has made innumerable friends by whom he is held in the highest esteem in both the House and Senate; be it therefore

Resolved, That the House of Representatives congratulates the Honorable Louis Wilgarde on this his forty-first birthday and wishes him continued success throughout life, but pauses to warn that some effort should be made to keep his waist beneath his chronological age.

Be it Further Resolved that the Chief Clerk forward a copy of this Resolution to Mr. Wilgarde.

On the question,

Will the House adopt the resolution?

Mr. TURNER. Mr. Speaker, I have had during this session on a number of occasions a lot of sympathy for you in your position, especially when I know a little, as

I do, about a large number of the members of your party in the House and the difficulties thereby engendered. I know that you have had a lot of sorrows during the session; I know you have had a lot of headaches, but it seems to me that those headaches would have been greater, and I know mine would have been far less if I had in my term as Speaker as good a right arm as you have had in Louie Wilgarde. I want to say Mr. Speaker as a member of this minority party and as one who has frequently been in and out of the Speaker's office, contacting members on matters of legislation, that I have always received the finest, the most courteous and the most understanding treatment from your able assistant Louie Wilgarde. I envy you because I did not have Louie Wilgarde during my term of office.

The SPEAKER. The Chair thanks the gentleman from Delaware.

On the question recurring.

Will the House adopt the resolution?

It was adopted.

CONGRATULATORY RESOLUTION

Messrs. MOLLAND and McINTOSH offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, July 1, 1941.

For the past six months during which the General Assembly of Pennsylvania has been building up to an all time record for the length of a legislative session, the page boys of the House of Representatives have served its members diligently and well. This is especially true of William C. Walker, who has been called into military service in defense of his country, to commence on next Monday, July the seventh.

Walker is a resident of Carlisle and a graduate of the Carlisle High School, where he distinguished himself in track and football. His preliminary training in school athletics and in serving the members of the House should make him an outstanding soldier; and the eloquence of the Assemblymen in which he has steeped for the past half year should inspire him to great deeds of patriotic valor; therefore, be it

Resolved, That the members of the House of Representatives, while regretting the loss of his services to themselves, congratulate William C. Walker on the opportunity for serving his country and gaining for himself training and experience of inestimable value in later life, as well as the opportunity for advancement in the military service, to, per chance, the rank of General by the time this House meets again in general session; and be it further

Resolved, That a certified copy of this resolution be transmitted by the Chief Clerk to our soldier page at his home, 213 West North Street, Carlisle, Pennsylvania.

CONGRATULATORY RESOLUTION

Messrs. PRESLEY N. JONES and POLASKI offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, July 1, 1941.

So many whose birthdays would not have been reached at an ordinary legislative session now come in for their full share of birthday greetings by official resolution. Thus we have on the third of July, some forty-two years ago, the day when Delbert William Dalrymple increased the population of the world by one. Born a Republican

in Pierpont, Ohio—we fear he has been a bit "teched in the head" ever since.

We realize now why he is always so cheerful and breezy, for he peddles breezy air-conditioned Nash automobiles.

He takes his legislative duties with much seriousness—but is so far committed to the principles of drug store cowboyism, as to devour with great relish vast quantities of sundaes topped with huge gobs of whipped cream; therefore, be it

Resolved, That if the House of Representatives could sing one-half as well as two Western Union boys, we would sing to you, Mr. Dalrymple: "Happy birthday, to you! Happy birthday to you! Happy birthday, dear Delbie! Happy birthday to you." But at any rate, we wish it to you; and instruct our Chief Clerk to certify to you a copy of this resolution as a token of our extreme affection.

CONDOLENCE RESOLUTION

Mr. PETROSKY. Mr. Speaker I arise at this time with a great deal of grief and sorrow to offer the Assembly on behalf of myself and my colleagues the following privileged resolution. I had intended to make a few remarks on it, but due to the prolonged discussion that ensued in the House this afternoon, and knowing that you, Mr. Speaker and Members of the House want to finish the business of the House, I will refrain from making any extended remarks on the characteristics and the greatness of the personality of the one to whom the members wish to pay their respects. Therefore, Mr. Speaker, this gentleman who is in my mind will remain with us as a model in the art of music and in the category of statesman, one of the greatest of statesmen that ever lived.

Mr. PETROSKY offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, July 1, 1941.

Ignace Jan Paderewski died in New York after a life time devoted to the expression of the highest ideals towards which any human being can aim.

His achievements as a statesman are only surpassed by his greatest of all gifts to the cultural life of the civilized world in the field of music. His fame as a musician was world renowned and to those of us who have been fortunate enough to attend his concerts, he will always remain as a symbol of all that is great in the art of interpretation of music through the medium of the piano.

Just as he was preeminent in the field of musical achievement, so was he outstanding in playing a leading role in the re-establishment of the Polish Republic. He spent his entire life in support of Polish independence and was honored by the Polish Republic for his great patriotic efforts by becoming its first Premier and will be remembered as the counselor and liberator of free Poland. He was probably the world's first famous musician in history to abandon his art at the height of his success in order to devote himself to liberating and unifying his country, finally solidifying the Polish Government after it had been recognized by the United States. The world recognition that he attained as a statesman came at the Versailles Peace Conference and received the highest respect from the leaders of the Democratic nations. In our memories will remain many other traits of this great personality in behalf of disabled army veterans and those who suffered under this tyrannical rule of aggressives.

He confided to a friend that the greatest joy he ever experienced in life came when Poland was recreated as

an independent nation. This is readily understood and we, his admirers, hold him in highest esteem for his everlasting patriotism to his country and his tireless efforts on behalf of a free people.

As throughout his entire life, his activities to the last breath in an endeavor to restore the ideals that are today being destroyed, Paderewski was engaged in fostering and encouraging the sale of defense bonds, so that all our efforts to preserve Democracy should succeed; therefore, be it

Resolved, That the House of Representatives notes with sorrow of the passing of this great musician and even greater patriot and desires this opportunity to pay its great respect to one of the world's immortals, be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the sister of Ignace Jan Paderewski, Mme. Antonina Wilwonska, Hotel Buckingham, New York City, N. Y.

CONDOLENCE RESOLUTION

Messrs. READINGER and PAUL A. BRUNNER offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, July 1, 1941.

Whereas, The Honorable Fred Marks of Berks County was suddenly called away from his duties in the House of Representatives last week because of the unexpected passing of his sister; and

Whereas, The Honorable Fred Marks in his career as a member of the Legislature has already made numerous friends and is held in high esteem by all of the members of the House; and

Whereas, The membership of the House sympathizes with him in so great a bereavement; therefore be it

Resolved, That the House of Representatives notes with sorrow of the passing of the sister of the Honorable Fred Marks and offers to him its most sincere condolences.

RESOLUTION No. 105

Mr. ROSENFELD. Mr. Speaker, I desire to call up at this time House Resolution No. 105.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 23, 1941.

Whereas There are voters in the City of Philadelphia who are registered under the Permanent Registration Act in force in the aforesaid city and are also permanently registered under the Permanent Registration Act in force in our sister Commonwealth of New Jersey and

Wheres The election records of the City and County of Philadelphia show that a large percentage of these ineligible electors in violation of the registration and election laws of this Commonwealth have voted in Philadelphia County be it therefore

Resolved That the Speaker of the House of Representatives appoint a committee of five members of the House to investigate this situation at once so that in the coming elections in the City and County of Philadelphia no wholesale violation of the Election Laws shall occur and be it further

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or

document shall be subject to the penalties provided by the laws of the Commonwealth in such cases and be it further

Resolved That the said committee report as quickly as possible to this House with appropriate recommendations

On the question,

Will the House adopt the resolution?

It was adopted.

SENATE MESSAGES

RESOLUTIONS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 1, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 213, Printer's No. 297, entitled:

An Act authorizing the Department of Property and Supplies actin~ for the Commonwealth of Pennsylvania to acquire by gift from the owner thereof Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown Montgomery County Pennsylvania providing for the control management supervision improvement and maintenance thereof by the Pennsylvania Historical Commission authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation maintenance, and visitation thereof and creating an advisory board to assist in such functions

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 1, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 303, Printer's No. 264, entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 1, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 419, Printer's No. 265, entitled:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg in the county of Dauphin and the borough of New Hope in the county of Bucks

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 588

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 588.

An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof either by prescribing the method of fixing the fair market value of such property sold on execution and limiting the amount collectible thereafter on such judgments.

HOUSE ADOPTS CONFERENCE REPORT ON SENATE BILL No. 588

Mr. SKALE. Mr. Speaker, I call up at this time the Report of the Committee of Conference on Senate Bill No. 588.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 588, entitled:

"An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof by prescribing the method of fixing the fair market value of such property sold on execution and limiting the amount collectible thereafter on such judgments.

Respectfully submit the following bill as our report:

CLARENCE D. BECKER,
G. HAROLD WATKINS,
JOHN FREMONT COX.

(Committee on the Part of the Senate.)

JOSEPH SKALE,
HOMER S. BROWN,
CHARLES A. AUKER,

(Committee on the Part of the House of Representatives.)

An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any real property has heretofore been or is hereafter sold directly or indirectly to the plaintiff in execution proceedings and the price for which such property has been sold was or is not sufficient to satisfy the amount of the judgment interest and costs and the plaintiff seeks to collect the balance due on said judg-

ment interest and costs the plaintiff or plaintiffs shall petition the court having jurisdiction to fix the fair market value of the real property sold as aforesaid Said petition shall be signed and sworn to by the plaintiff or plaintiffs

Section 2 The petition (a) shall set forth the location and description of the real property sold and the name or names of all persons known to petitioner or ascertainable upon reasonable inquiry to be or who may be directly or indirectly liable to petitioner or any other person for the payment of the debt for which the judgment was entered

(b) Shall contain a statement of the fair market value of said property and

(c) Shall name as respondents the debtors obligors and guarantors and any other persons directly or indirectly liable to petitioner for the payment of said debt and the owners of the property affected thereby together with the addresses of such persons to the extent that such addresses are known to petitioner or may have been ascertainable upon reasonable inquiry and an affidavit that he does not know and after reasonable inquiry has been unable to ascertain the residence or business addresses of the others

Section 3 The court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon each of the persons named therein as respondents at least ten days prior to the date fixed for hearing At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer in writing the nature and extent of his interest in the proceedings and answering the averments of the petition A copy of such answer shall be served upon the petitioner within a reasonable time prior to the hearing

Section 4 Said petition may be served by the sheriff of the County or by the sheriff of any other county specially deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above methods the court may direct service by publishing once a week for two successive weeks both in the legal newspaper of the county where the petition is filed and one newspaper of general circulation in the said county the last such publication to appear at least fifteen days prior to the day fixed for the hearing of such petition a notice to the said respondent or respondents of the filing of said petition and the date fixed for hearing thereon If there is no legal newspaper in the county then publication in one newspaper of general circulation in said county shall be sufficient

Any debtor obligor guarantor mortgagor and any other person directly or indirectly liable to the petitioner for the payment of the debt and any owner or owners of the property affected thereby who is not named in said petition nor served with a copy thereof or notice of the filing thereof as provided in this section shall be deemed to be discharged from all personal liability to the petitioner on the debt interest and costs but any such failure to name such person in said petition or to serve the petition or notice of the filing thereof shall not prevent proceedings against respondent or respondents named and served

Section 5 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed before the time fixed for hearing No hearing shall be had until the court shall be satisfied that service has been made upon all the respondents in any of the methods herein provided

Section 6 At such hearings the only issue before the court shall be the fair market value of the property sold at the time of said sale and any party in interest may introduce into evidence testimony of such fair market value

If no answer is filed within the time provided for in this act or if an answer is filed which does not controvert the allegation of the fair market value of the property as averred in the petition the court shall determine and fix as the fair market value of the property sold the amount thereof alleged in the petition to be the fair market value

If an answer is filed controverting the averment in the petition as to the fair market value of the property but no testimony is produced at the hearing supporting such denial of the fair market value the court shall determine and fix as the fair market value of the property the amount thereof alleged in the petition to be the fair market value thereupon enter a decree directing the petitioner to file release of the debtors obligors guarantors or any other persons directly or indirectly liable for the debts to the extent of the fair value so fixed whereupon execution may be issued for the balance of the debt

If answer is filed alleging as the fair market value an amount in excess of the fair market value of the property as averred in the petition the plaintiff or plaintiffs may agree to accept as the fair market value of the property the value set up in the answer and in such case may file a stipulation releasing the debtors obligors and guarantors and any other persons liable directly or indirectly for the debt and the owners of the property affected thereby from personal liability to the plaintiff to the extent of the fair market value as averred in the answer less the amount of any prior liens costs taxes and municipal claims not discharged by the sale and also less the amount of any such items paid as distribution on the sale If an answer shall be filed and testimony produced setting forth that the fair market value of the property is more than the value stated in the petition the court shall determine and fix the fair market value of the property which shall in no event exceed the amount of the debt interest costs taxes and municipal claims

After the hearing and the determination by the court of the fair market value of the property the debtor obligor guarantor and any other person liable directly or indirectly to the plaintiff or plaintiffs for the payment of the debt shall be released and discharged of such liability to the plaintiff to the extent of the fair market value of said property as previously agreed to by the plaintiff or plaintiffs or determined by the court less the amount of all prior liens costs taxes and municipal claims not discharged by the sale and also less the amount of any such items paid at the distribution on the sale and shall also be released and discharged of such liability to the extent of any amount by which the sale price less such prior liens costs taxes and municipal claims exceeds the fair market value as agreed to by the plaintiff or plaintiffs or fixed and determined by the court as aforesaid and thereupon petitioner may proceed by appropriate proceedings to collect the balance of the debt

Section 7 The plaintiff or plaintiffs shall file all petitions in accordance with section one and section two of this act not later than six months after the sale of any real property provided however that if the sale occurred prior to the effective date of this act the plaintiff shall file such petition within six months after the effective date of this act In the event no petition is filed within such period the debtor obligor guarantor and any other person liable directly or indirectly to the plaintiff or plaintiffs for the payment of the debt shall be released and discharged of such liability to the plaintiff or plaintiffs

Section 8 Nothing in this act shall be construed to affect present procedure for the public sale of real estate or the private sale thereof under order of court except to the extent herein expressly provided or necessary for the purpose of giving proper effect to the provisions hereof

Section 9 Nothing in this act shall be construed to affect the right of any person liable directly or indirectly for the payment of the debt to the benefit of any amount realized on any execution sale in excess of the

fair market value fixed or agreed to in accordance with the provisions of this act and nothing in this act shall be construed to effect a release or discharge of any person otherwise than nor to any greater extent than as herein expressly provided

Section 10 It shall be incompetent for any debtor obligor or guarantor at any time either before or after or at the time of incurring any obligation to waive the benefits of this act or to release any obligee from compliance with the provisions thereof Any such waiver or release shall be absolutely void unenforceable and of no effect

Section 11 The provisions of this act shall be severable and if any section provision or clause thereof shall be held to be unconstitutional the decision so holding shall not be construed to affect or impair any other section provision or clause of this act It is hereby declared as the legislative intent that this act would have been enacted had such unconstitutional section provision or clause not been included therein In the event the provisions of this act as applied to the sales of real property held prior to the effective date of this act are held to be unconstitutional it is the intention of the Legislature that this act then apply only to all sales of real property held after the effective date of this act in the event the provisions of this act as applied to obligations created prior to the effective date of this act are held to be unconstitutional it is the intention of the legislature that this act do then apply only to obligations created after the effective date of this act

Section 12 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Fiss,	Lovett,	Royer,
Allmond,	Fleming,	Lyons,	Rush,
Auker,	Fletcher,	Malloy,	Sarra,
Baker,	Flynn,	Maxwell,	Scanlon,
Balthaser,	Foor,	McClanaghan,	Serrill,
Bentzel,	French,	McClester,	Shaffer,
Boles,	Gates,	McDermott,	Shaw,
Boney,	Gerard,	McDowell,	Shepard,
Boorse,	Gillan,	McFall,	Simons,
Bower,	Gillette,	McGrath,	Skale,
Bradley,	Goodwin,	McIntosh,	Snyder,
Bretherick,	Gross,	McKinney,	Sollenberger,
Brown,	Gyger,	McLanahan,	Sorg,
Brunner, C. H.,	Habbyshaw,	McMillen,	Stambaugh,
Brunner, P. A.,	Haberen,	McSurdy,	Stank,
Burns,	Haines,	Melchiorre,	Stine,
Burris,	Hall,	Mihm,	Stockham,
Cadwalader,	Hamilton,	Modell,	Tarr,
Chervenak,	Hare,	Monks,	Tate,
Chudoff,	Harkins,	Mooney,	Taylor,
Cochran,	Heatherington,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cooper,	Hewitt,	Nagel,	Van Allsburg,
Cordier,	Hirsch,	Nunemacher,	Vincent,
Corrigan,	Huntley,	O'Brien,	Voldow,
Cullen,	Imbrie,	O'Connor,	Voorhees,
Dalrymple,	James,	O'Dare,	Wagner,
Dennison,	Jefferson,	O'Mullen,	Watkins,
DiGenova,	Jones, G. E.,	O'Neill,	Weingartner,
Dix,	Jones, P. N.,	Owens,	Welsh,
Dolon,	Kenehan,	Pettit,	Welsh, E. B.,
D'Ortona,	Kilne,	Polaski,	Welsh, M. J.,
Duffy,	Knoble,	Polen,	Williams,
Early,	Kolankiewicz,	Powers,	Winnier,
Eckels,	Krise,	Rank,	Wolf,
Elder,	Lee, E. A.,	Readinger,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reagan,	Woodside,
Ely,	Lelsey,	Reese, D. P.,	Woodring,
Falkenstein,	Leonard,	Reese, R. E.,	Wright,
Finestone,	Lesko,	Reynolds,	Yeakel,
Finnerty,	Leydic,	Rhc.,	Yester,
	Lichtenwalter,	Riley,	Young,

Section 3 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House adopt the Report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Fleming,	Malloy,	Rush,
Allmond,	Fletcher,	Maxwell,	Sarraf,
Auker,	Flynn,	McClanaghan,	Scanlon,
Baker,	Foor,	McClester,	Schwab,
Balthaser,	French,	McDermott,	Serrill,
Bentzel,	Gates,	McDowell,	Shaffer,
Boles,	Gerard,	McFall,	Shepard,
Boney,	Gillan,	McGrath,	Simons,
Boorse,	Gillette,	McIntosh,	Skale,
Bower,	Goodwin,	McKinney,	Snyder,
Bradley,	Gross,	McLanahan,	Sollenberger,
Bretherick,	Gyger,	McMillen,	Sorg,
Brown,	Habbyshaw,	McSurdy,	Stambaugh,
Brunner, C. H.,	Haberlen,	Melchiorre,	Stank,
Brunner, P. A.,	Haines,	Mihm,	Stine,
Burns,	Hall,	Modell,	Stockham,
Burris,	Hamilton,	Monks,	Tarr,
Cadwalader,	Hare,	Mooney,	Tate,
Chervenak,	Harkins,	Moran,	Taylor,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Munley,	Trout,
Cohen, R. E.,	Herman,	Nagel,	Turner,
Cook,	Hewitt,	Nunemacher,	Van Allsburg,
Cooper,	Hirsch,	O'Brien,	Vincent,
Cordier,	Huntley,	O'Connor,	Voldow,
Corrigan,	Imbrie,	O'Dare,	Voorhees,
Cullen,	James,	O'Mullen,	Wagner,
Dalrymple,	Jefferson,	O'Neill,	Watkins,
Dennison,	Jones, G. E.,	Owens,	Weingartner,
DiGenova,	Jones, P. N.,	Pettit,	Welse,
Dix,	Kenehan,	Polaski,	Welsh, E. B.,
Dolon,	Kline,	Polen,	Welsh, M. J.,
D'Ortona,	Knobie,	Powers,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winnor,
Early,	Lee, E. A.,	Readinger,	Wolf,
Eckels,	Lee, T. H.,	Reagan,	Wood, L. H.,
Elder,	Lelsey,	Reese, D. P.,	Woodring,
Elliott,	Leonard,	Reese, E. E.,	Woodside,
Ely,	Lesko,	Reynolds,	Wright,
Falkenstein,	Leydic,	Rhea,	Yeakel,
Finestone,	Lichtenwalter,	Riley,	Yester,
Flinnerty,	Longo,	Rose, W. E.,	Young,
Fisher,	Lovett,	Rosenfeld,	Kilroy,
Fliss,	Lyons,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor the same being correct, the titles were publicly read as follows:

SENATE BILL No. 1023.

An Act to further amend Section 1033 of the act approved the first day of May one thousand nine hundred hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of pre-

scribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" extending the provisions of such section for a further period of two years

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL INTRODUCED AND REFERRED

By MR. SOLLENBERGER. HOUSE BILL No. 1951.

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for preparation, publication and distribution or radio dramatization for public information and for use by the public schools in cooperation with the State Council of Defense, the Department of Public Instruction and other agencies of such pamphlets, books and radio scripts on patriotic aspects of the history of Pennsylvania as will arouse in the hearts and minds of all Pennsylvanians patriotism and pride in the great achievements of the State in democratic government, industry and social progress, and awaken such loyalty to those principles of our democracy which had their birth in historic Pennsylvania, keystone of our liberty independence and democratic progress, as will unify our citizens in this period of National emergency for defense of our freedom.

Referred to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. HARKINS, from the Committee on Workmen's Compensation, reported as committed, House Bill No. 1768, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 1937, page 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exemptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing therein as to the replacement of certain moneys received pursuant to the provisions of Section three hundred two of the Federal Security Act as amended.

Mr. REUBEN E. COHEN, from the Committee on Liquor Control, reported as committed House Bill No. 1734, (Senate Bill No. 618), entitled:

An Act to further amend section two of the act, approved the sixteenth day of June, one thousand nine

hundred thirty-three (P. L. 252, 1933-34), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by permitting clubs to waive or reduce dues payable by members in military service.

Mr. REUBEN E. COHEN, from the Committee on Liquor Control, reported as committed, House Bill No. 1732 (Senate Bill No. 619), entitled:

An Act to further amend section two of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys, authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by permitting clubs to waive or reduce dues payable by members in military service.

Mr. D'ORTONA, from the Committee on Welfare, reported as committed, House Bill No. 1926 (Senate Bill No. 457) entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by enabling the Department of Public Assistance to take measures to rehabilitate persons receiving assistance.

Mr. DIX, from the Committee on Welfare, reported as committed, House Bill No. 1922, (Senate Bill No. 464) entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assist-

ance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to Mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by changing the residence requirement for general assistance.

Mr. READINGER, from the Committee on State Government, reported as amended, House Bill No. 1899, (Senate Bill No. 1029) entitled:

An Act authorizing the Joint State Government Commission to make a thorough study and investigation of the State Employees' Retirement System providing for the employment of necessary clerks and assistants authorizing the subpoenaing of witnesses and records and making an appropriation.

BILLS ON THIRD READING

Mr. HERING asked and obtained unanimous consent to call up out of order House Bill No. 1878, Printer's No. 1064 on page 16 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1878, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the appointment of a deputy school treasurer a deputy school controller and clerks to the school controller and school treasurer

On the question,

Will the House agree to the bill on third reading?

Mr. HERING. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, last line of title, by inserting after the word "treasurer" the following: "in school districts of the first class; by further providing as the election of school controllers in school districts of the first class and as to vacancies in such office and by providing that certain stationery and books shall be supplied to school treasurers in school districts of the first class.

Amend Sec. 3 (Sec. 2212), page 5, line 1, by inserting a lightface bracket before and after the word "clerk".

Amend Sec. 3 (Sec. 2212), page 5, line 1, by inserting after the word "clerk" the following: "clerks".

Amend Sec. 3 (Sec. 2212), page 5, line 8, by inserting after the word "controller" the following: "and school treasurer".

Amend Sec. 3 (Sec. 2212), page 5, line 8, by inserting a lightface bracket before the word "his" and after the word "salary".

Amend Sec. 3 (Sec. 2212), page 5, line 8, by inserting after the word "salary" the following: "their salaries".

Amend Sec. 3 (Sec. 2212), page 5, line 9, by inserting a lightface bracket before the word "he" and after the word "is".

Amend Sec. 3 (Sec. 2212), page 5, line 9, by inserting after the word "is" the following: "they are".

Amend Sec. 3 (Sec. 2212), page 5, line 10 by inserting a lightface bracket before and after the word "him".

Amend Sec. 3 (Sec. 2212), page 5, line 10, by inserting after the word "him" the following: "them".

Amend Sec. 3 (Sec. 2212), page 5, line 11, by inserting lightface brackets before and after the word "his".

Amend Sec. 3 (Sec. 2212), page 5, line 11, by inserting after the word "his" the following: "their".

Amend Sec. 3 (Sec. 2212), page 5, line 11, by inserting after the word "controller" the following: "or school treasurer".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Mr. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 1924 (Senate Bill No. 712) Printer's No. 482 on page 20 of today's calendar bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1924, (Senate Bill No. 712), entitled:

An Act to amend section one and section two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 899) entitled "An act establishing a State Highway in the County of Lebanon providing for its location construction improvement and maintenance by the Commonwealth" by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Fleming,	Lyons,	Royer,
Allmond,	Fletcher,	Malloy,	Rush,
Auker,	Flynn,	Maxwell,	Sarra,
Baker,	Poor,	McClanaghan,	Scanlon,
Balthaser,	French,	McClester,	Serrill,
Bentzel,	Gates,	McDermott,	Shaffer,
Boles,	Gerard,	McDowell,	Shaw,
Boney,	Gillan,	McFall,	Shepard,
Boorse,	Gillette,	Simons,	Skale,
Bower,	Goodwin,	McIntosh,	Snyder,
Bradley,	Gross,	McKinney,	Sollenberger,
Bretherick,	Gyger,	McLanahan,	Sorg,
Brown,	Habbyshaw,	McMillen,	Stambaugh,
Brunner, C. H.,	Haberlen,	McSurdy,	Stank,
Brunner, P. A.,	Haines,	Melchiorre,	Stine,
Burns,	Hall,	Mihm,	

Burris,	Hamilton,	Modell,	Stockham,
Cadwalader,	Hare,	Monks,	Tarr,
Chervenak,	Harkins,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hewitt,	Nagel,	Van Allsburg,
Cooper,	Hirsch,	Nunemacher,	Vincent,
Cordier,	Huntley,	O'Brien,	Voldow,
Corrigan,	Imbrie,	O'Connor,	Voorhees,
Cullen,	James,	O'Dare,	Wagner,
Dalrymple,	Jefferson,	O'Mullen,	Watkins,
Dennison,	Jones, G. E.,	O'Neill,	Weingartner,
DiGenova,	Jones, P. N.,	Owens,	Weiss,
Dix,	Kenehan,	Pettit,	Polaski,
Doion,	Kline,	Polanski,	Polen,
D'Ortona,	Knoble,	Powers,	Rank,
Duffy,	Kolankiewicz,	Rank,	Readinger,
Early,	Krise,	Reagan,	Reese, D. P.,
Eckels,	Lee, E. A.,	Reese, R. E.,	Reynolds,
Elder,	Lee, T. H.,	Rhea,	Riley,
Elliott,	Lelsey,	Rosenfeld,	Rose, W. E.,
Ely,	Leonard,		
Falkenstein,	Lesko,		
Finestone,	Leydic,		
Finnerty,	Lichtenwalter,		
Fisher,	Longo,		
Fisa,	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Mr. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 1927 (Senate Bill No. 796) Printer's No. 484 on page 20 of today's calendar bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1927, (Senate Bill No. 796), entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing Route 3617 Lancaster county

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Fleming,	Lovett,	Rosenfeld,
Auker,	Fletcher,	Lyons,	Royer,
Allmond,	Flynn,	Malloy,	Rush,
Baker,	Poor,	Maxwell,	Sarra,
Balthaser,	French,	McClanaghan,	Scanlon,
Bentzel,	Gates,	McClester,	Serrill,
Boles,	Gerard,	McDermott,	Shaffer,
Boney,	Gillan,	McDowell,	Shaw,
Boorse,	Gillette,	McFall,	Shepard,

Bower,	Goodwin,	McGrath,	Simons,
Bradley,	Greenwood,	McIntosh,	Skale,
Bretherick,	Gross,	McKinney,	Snyder,
Brown,	Gyger,	McLanahan,	Sollenberger,
Brunner, C. H.,	Habbyshaw,	McMillen,	Sork,
Brunner, P. A.,	Haberlen,	McSurdy,	Stambaugh,
Burns,	Haines,	Melchiorre,	Stank,
Burris,	Hall,	Mihm,	Stine,
Cadwalader,	Hamilton,	Modell,	Stockham,
Chervenak,	Hare,	Monks,	Tarr,
Chudoff,	Harkins,	Mooney,	Tate,
Cochran,	Heatherington,	Moran,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Trout,
Cooper,	Hewitt,	Nagel,	Turner,
Cordier,	Hirsch,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Voldow,
Dalrymple,	James,	O'Dare,	Voorhees,
Dennison,	Jefferson,	O'Mullen,	Wagner,
DiGenova,	Jones, G. E.,	O'Neill,	Watkins,
Dix,	Jones, P. N.,	Owens,	Weingartner,
Dolon,	Kenehan,	Pettit,	Welss,
D'Ortona,	Kline,	Polaski,	Welsh, E. B.,
Duffy,	Knoble,	Polen,	Welsh, M. J.,
Early,	Kolankiewicz,	Powers,	Williams,
Eckels,	Krise,	Rank,	Winnier,
Elder,	Lee, E. A.,	Readinger,	Wolf,
Elliott,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Lelsey,	Reese, D. P.,	Woodring,
Falkenstein,	Leonard,	Reese, R. E.,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rose, W. E.,	Young,
			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Mr. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 1781 (Senate Bill No. 555) Printer's No. 380 on page 20 of today's calendar bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1781, (Senate Bill No. 555), entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance: providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons; blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons: providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mother's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to Mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—176

Achterman,	Fleming,	Lyons,	Royer,
Allmond,	Fletcher,	Malloy,	Rush,
Auker,	Flynn,	Maxwell,	Sarra,
Baker,	Foor,	McClanaghan,	Scanlon,
Balthaser,	French,	McClester,	Serrill,
Bentzel,	Gates,	McDermott,	Shaffer,
Boies,	Gerard,	McDowell,	Shaw,
Boney,	Gillan,	McFall,	Shepard,
Boorse,	Gillette,	McGrath,	Simons,
Bower,	Goodwin,	McIntosh,	Skale,
Bradley,	Gross,	McKinney,	Snyder,
Bretherick,	Gyger,	McLanahan,	Sollenberger,
Brown,	Habbyshaw,	McMillen,	Sorg,
Brunner, C. H.,	Haberlen,	McSurdy,	Stambaugh,
Brunner, P. A.,	Haines,	Melchiorre,	Stank,
Burns,	Hall,	Mihm,	Stine,
Burris,	Hamilton,	Modell,	Stockham,
Cadwalader,	Hare,	Monks,	Tarr,
Chervenak,	Harkins,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Trout,
Cohen, R. E.,	Hewitt,	Nagel,	Turner,
Cooper,	Hirsch,	Nunemacher,	Van Allsburg,
Cordier,	Huntley,	O'Brien,	Vincent,
Corrigan,	Imbrie,	O'Connor,	Voldow,
Cullen,	James,	O'Dare,	Voorhees,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, G. E.,	O'Neill,	Watkins,
DiGenova,	Jones, P. N.,	Owens,	Weingartner,
Dix,	Kenehan,	Pettit,	Welss,
Dolon,	Kline,	Polaski,	Welsh, E. B.,
D'Ortona,	Knoble,	Polen,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Powers,	Williams,
Early,	Krise,	Rank,	Winnier,
Eckels,	Lee, E. A.,	Readinger,	Wolf,
Elder,	Lee, T. H.,	Reagan,	Wood, L. H.,
Elliott,	Lelsey,	Reese, D. P.,	Woodring,
Ely,	Leonard,	Reese, R. E.,	Woodside,
Falkenstein,	Lesko,	Reynolds,	Wright,
Finestone,	Leydic,	Rhea,	Yeakel,
Finnerty,	Lichtenwalter,	Riley,	Yester,
Fisher,	Longo,	Rose, W. E.,	Young,
Fiss,	Lovett,	Rosenfeld,	Kilroy,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

PERMISSION TO ADDRESS HOUSE

Mr. TROUT asked and obtained unanimous consent to address the House.

Mr. Speaker, I want to thank the majority floor leader in behalf of many of the people of Lancaster County and many of the people of Lebanon County. We certainly appreciate the passage of Senate Bill No. 712 and Senate Bill No. 796. We thank you.

BILL ON THIRD READING

Mr. SARRAF asked and obtained unanimous consent to call up out of order House Bill No. 1107, Printer's No. 87, (Senate Bill No. 51), on page 13 of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1107, (Senate Bill No. 51), entitled:

An Act authorizing and empowering school districts to furnish food including milk to undernourished and poor school children in their districts

On the question,

Will the House agree to the bill on third reading?

Mr. SARRAF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by inserting after the word "districts" the following: "with the consent and approval of the Superintendent of Public Instruction."

Amend title, page 1, line 3 of title, by inserting after the word "districts" the following: "and providing that the acceptance and distribution of surplus commodities furnished by the Federal Government shall not be affected or limited thereby."

Amend Sec. 1, page 1, line 1, by inserting after the word "districts" the following: "with the consent and approval of the Superintendent of Public Instruction."

Amend Sec. 1, page 1, line 6, by inserting after the word "district" the following: "The provisions of this act shall not limit or affect the acceptance and distribution by school directors, of surplus commodities made available by the Federal Government".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, there were a great number of recall resolutions presented to the House today, and I wish to explain the Democratic position relative to those recall resolutions. Due to the fact that the Governor is and was away and the final date to act on the bills here or about here, and in order that the Governor might have full opportunity to act and pass upon them, the Democratic Members of the House agreed to cooperate to the end of giving him the opportunity he desires to examine the bills, and therefore, recalled them for that purpose.

ADJOURNMENT

Mr. CROOP. Mr. Speaker, I move that this House do now adjourn until Monday, July 7, 1941, at 8 p.m.

The motion was agreed to, and (at 4:17 p.m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., MONDAY, JULY 7, 1941.

No. 81.

SENATE

MONDAY, July 7, 1941

The Senate met at 3:30 o'clock, p. m., E. S. T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

O God, Our Heavenly Father, Thou hast been our help in ages past and we trust Thee as our Hope now when the true lights of our old world seem to be going out.

We are truly thankful that we are Americans, and living under a representative government. May Thy Presence inspire us and Thy Wisdom guide us in these days of gigantic struggle among other nations that we may not suffer a blackout of liberty in our own beloved land. May it be clearly discernible to the nations of the earth they can not long survive if their best blood is shed upon the field of battle.

Earnestly do we seek Thy helpful Presence in these closing days of this General Assembly. Are we able to say as it closes that we have labored for the very best interests of all the people of our Commonwealth? So may it have been as we humbly pray in Thy Holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. TYLER and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Farrell asked and obtained leave of absence for the Senator from Erie, Mr. ZIESENHEIM.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, July

7, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, July 7, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Amelia A. Heinemann, Pittsburgh, 209 First Ave.
David W. Isaac, Pittsburgh, 425 Blvd. of the Allies.
Mrs. Laura E. Mackie, East Pittsburgh.
George C. Thumm, Bellevue.

CAMBRIA COUNTY

Robert A. Gleason, Johnstown.

FAYETTE COUNTY

Miss Alberta E. Lentz, Uniontown.

LEBANON COUNTY

Theodore J. Kreider, Annville Twp., 109 South Whiteoak St., Annville.

LUZERNE COUNTY

Louis A. Maggio, Hazleton.

LYCOMING COUNTY

Charles A. Leutze, Williamsport.

MONTGOMERY COUNTY

David Mauger, 3rd, Pottstown.

NORTHAMPTON COUNTY

Mrs. Helene M. Ziegler, Nazareth.

PHILADELPHIA COUNTY

Miss E. Brady, Phila., Real Estate Trust Building.
Miss Catharine V. Budzynski, Phila., 1917 West Hunting Park Avenue.
Lynwood E. Elliott, Phila., 2320 Walnut Street.
Frank M. Harrold, Phila., 117 North Broad Street.
Miss Margaret S. Mandarino, Phila., SE Cor. 11th and Carpenter Streets.
Robert W. Plank, Phila., 5433 Baltimore Ave.
Edward Solomon, Phila., 1319 Bankers Securities Building.

SCHUYLKILL COUNTY

Charles H. Stramara, North Manheim Twp., R. D. 1,
Schuylkill Haven.

WASHINGTON COUNTY

Miss Gladys A. Gower, Canonsburg.

WESTMORELAND COUNTY

Harry M. Alworth, Arnold.

YORK COUNTY

Miss Lillian G. Cooper, York.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY,
That the Senate do advise and consent to said nomina-
tions.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the pro-
visions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel.
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Mundy,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the
question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communication in writing from His
Excellency, the Governor of the Commonwealth, which
was read as follows, and referred to the Committee on
Executive Nominations.

NOMINATION OF THE BLAIR COUNTY BOARD OF
ASSISTANCE

Governor's Office, Harrisburg, July 7, 1941.

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor to nominate
for the advice and consent of the Senate Mrs. Mary
Clementine Malone, 112 Newry Street, Gaysport, Hollidaysburg,
Blair County, for appointment as a member
of the Blair County Board of Assistance, until December
31, 1943, and until her successor is duly appointed and
qualified, vice James C. Davis, resigned.

ARTHUR H. JAMES.

COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His
Excellency, the Governor of the Commonwealth, which
was read as follows:

APPROVED AND SIGNED SENATE BILL No. 174,
(PRINTER'S No 364)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

I have the honor to inform you that I have this day
approved and signed Senate Bill No. 174, Printer's No.
364, entitled "A Supplement to the act approved the
twenty-second day of June one thousand nine hundred and
thirty-one (P. L. 720) entitled 'An act providing for the
taking over by the Commonwealth under certain terms con-
ditions and limitations of certain streets in cities' of the
second class, and second class A, and third class, as
state highways, and for the improvement, construction,
reconstruction, resurfacing, and maintenance by the Com-
monwealth of certain defined widths of said streets,
imposing duties on such cities, and on public utility
companies using such streets, providing that no assess-
ment shall be made upon the Commonwealth in the
elimination of any grade crossing thereon, authorizing
cities, persons, associations, or corporations to enter into
agreements with the Commonwealth to bear a portion of
the cost of construction or maintenance, providing for
the assessment of certain portions of the cost of street
improvements on abutting property owners, regulating
the replacement of certain facilities of public utility com-
panies, prohibiting the opening of said streets after im-
provement without a permit, and providing penalty
therefor, regulating the maintenance of detours, authoriz-
ing the increase of city indebtedness in certain cases, and
appropriating money in the Motor License Fund for the
purposes of this act,' by establishing additional routes
in the City of Erie."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 122,
(PRINTER'S No. 285)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 3, 1941.

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

I have the honor to inform you that I have this day
approved and signed Senate Bill No. 122, Printer's No. 285,
entitled "An Act to amend subsection (b) of and to add
subsection (e) to section twenty-eight of the act approved
the seventh day of June, one thousand nine hundred and
seventeen (P. L. 447), entitled as amended, 'An act relat-
ing to the administration and distribution of the estates
of decedents and of minors, and of trust estates; includ-
ing the appointment, bonds, rights, powers, duties, liabili-
ties, accounts, discharge and removal of executors, admin-
istrators, guardians, and trustees, herein designated as fidu-
ciaries; the administration and distribution of the estates
of presumed decedents; widow's and children's exemp-
tions; debts of decedents, rents of real estate as assets
for payment thereof, the lien thereof, sales and mortgages
of real estate for the payment thereof, judgments and
executions therefor, and the discharge of real estate from
the lien thereof; contracts of decedents for the sale or
purchase of real estate; legacies, including legacies charged
on land; the discharge of residuary estates and of real
estate from the lien of legacies and other charges; the
appraisal of real estate devised at a valuation; the
ascertainment of the curtilage of dwelling houses or other
buildings devised; the abatement and survival of actions;
and the substitution of executors and administrators
therein; the survival of causes of action and suits there-
upon by or against fiduciaries; investments by fiduciaries;
the organization of corporations to carry on the business
of decedents; the audit and review of accounts of fidu-
ciaries; refunding bonds; transcripts to the court of com-
mon pleas of balances due by fiduciaries; the rights, powers
and liabilities of nonresident and foreign fiduciaries; the

appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 645,
(PRINTER'S No. 181)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 3, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 645, Printer's No. 181, entitled, "An Act to reenact and further amend the title and the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1409) entitled as amended "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto." by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 209,
(PRINTER'S No. 430)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 3, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 209, Printer's No. 430, entitled, "An Act providing for the forfeiture and condemnation of vehicles used to store possess or transport narcotics or drugs the possession or transportation of which is in violation of law."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 224,
(PRINTER'S No. 191)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 3, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day ap-

proved and signed Senate Bill No. 224, Printer's No. 191, entitled "An Act to amend section three hundred and ten of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 1017) entitled 'An act creating in each county (except of the first class) as a separate corporation and in each of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws' providing for the administration of the finances of institution districts in counties having a county controller and conferring powers and imposing duties on county controllers commissioners and treasurers."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 592,
(PRINTER'S No. 287)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 592, Printer's No. 287, entitled, "An Act to further amend section one of the act approved the thirtieth day of May one thousand eight hundred and ninety-three (P. L. 183) entitled 'An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor' reducing the amount of land to be acquired by the Valley Forge Park Commission."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 346,
(PRINTER'S No. 241)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 346, Printer's No. 241, entitled, "An Act to amend section two hundred one and to further amend sections two hundred two and four hundred four of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled 'An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws' making the levying of a tax on trades occupations professions and persons who follow no occupation or calling optional in counties."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 996,
(PRINTER'S No. 351)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 996; Printer's No. 351, entitled, "An Act to further amend section four of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled as amended "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act' empowering the General State Authority through the exercise of its powers under existing law to construct equip furnish maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth."

Senate Bill No. 998, Printer's No. 352, entitled, "An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell, convey or exchange the Executive Mansion located at Front and Barbara Streets in the City of Harrisburg, County of Dauphin."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 1017,
(PRINTER'S No. 481)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 1017, Printer's No. 481, entitled, "An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 186), entitled 'An act declaring what offices are incompatible' by specifically exempting persons serving in the armed forces of the United States during any war or state of emergency."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 185,
(PRINTER'S No. 449)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 185, Printer's No. 449, entitled, "An act to further amend the act approved the fourth day of April one thousand nine hundred twenty-five (P. L. 127) entitled 'An act relating to adoption' further regulating adoption proceedings as to the consent of and notice to be given to parents of the persons proposed to be adopted as to who can be adopting parents and procedure at the adoption hearings."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 724,
(PRINTER'S No. 329)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 724, Printer's No. 329, entitled, "An Act to amend section four hundred one of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined,' by providing for the length of the terms and the method of appointing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 787,
(PRINTER'S No. 454)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 3, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 787, Printer's No. 454, entitled, "An Act to further amend the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled 'An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of

public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of the commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act' by exempting certain transportation from the terms 'common carrier by motor vehicle' and 'contract carrier by motor vehicle' further regulating the right to render service as a contract carrier by motor vehicle prohibiting the imposition of costs upon the commission in certain appeals to the Superior Court subjecting persons and corporations to certain civil penalties for violating the act prohibiting motor carriers common carriers by airplane and any operator or employe of such carriers and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers and changing the penalty with respect thereto and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable."

ARTHUR H. JAMES.

APPROVED AND SIGNED CONCURRENT RESOLUTION RECALLING SENATE BILL No. 151, (PRINTER'S No. 39)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 151, Printer's No. 39, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL No. 151 LAID ON THE TABLE

Mr. GELTZ. Mr. President, I move that Senate Bill No. 151 be laid on the table.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

APPROVED AND SIGNED CONCURRENT RESOLUTION RECALLING SENATE BILL No. 213, (PRINTER'S No. 297)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 213, Printer's No. 297, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL No. 213 LAID ON THE TABLE

Mr. GELTZ. Mr. President, I move that Senate Bill No. 213 be laid on the table.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

APPROVED AND SIGNED CONCURRENT RESOLUTION RECALLING SENATE BILL No. 303, (PRINTER'S No. 264)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 303, Printer's No. 264, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL No. 303 LAID ON THE TABLE

Mr. GELTZ. Mr. President, I move that Senate Bill No. 303 be laid on the table.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

APPROVED AND SIGNED CONCURRENT RESOLUTION RECALLING SENATE BILL No. 419, (PRINTER'S No. 265)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 419, Printer's No. 265, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL No. 419 LAID ON THE TABLE

Mr. GELTZ. Mr. President, I move that Senate Bill No. 419 be laid on the table.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

APPROVED AND SIGNED CONCURRENT RESOLUTION RECALLING SENATE BILL No. 572, (PRINTER'S No. 253)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 572, Printer's No. 253, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL No. 572 LAID ON THE TABLE

Mr. GELTZ. Mr. President, I move that Senate Bill No. 572 be laid on the table.

Mr. TAYLOR. Mr. President, I second the motion. The motion was agreed to.

APPROVED AND SIGNED CONCURRENT RESOLUTION RECALLING SENATE BILL No. 599, (PRINTER'S No. 342)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 599, Printer's No. 342, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL No. 599 LAID ON THE TABLE

Mr. GELTZ. Mr. President, I move that Senate Bill No. 599 be laid on the table.

Mr. TAYLOR. Mr. President, I second the motion. The motion was agreed to.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 448, (Senate Bill No. 1309), entitled:

An Act to amend the first paragraph of section nine of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "Public Assistance Law," by redefining eligibility for assistance.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

House Bill No. 602, (Senate Bill No. 1310), entitled:

An Act denying recognition as a political party for all purposes to any group of persons advocating the overthrow of the government.

Which was committed to the Committee on Elections.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 381

He also presented a communication from the House of Representatives, informing the Senate that the House has adopted the Report of the Committee of Conference on Senate Bill No. 381, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes by counties of the second, third, fourth, fifth and sixth classes.

The PRESIDENT. The Report will be noted on tomorrow's Calendar.

CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 588 ADOPTED

He also presented a communication from the House of Representatives, informing the Senate that the House has adopted the Report of the Committee of Conference on Senate Bill No. 588, entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, by prescribing the method of fixing the fair market value of such property sold on execution and limiting the amount collectible thereafter on such judgments.

The PRESIDENT. The Report will be noted on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 251 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 251, entitled:

An Act to amend section eleven of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2532), entitled "Workmen's Compensation Security Fund Act," by providing that payment of an award from the funds established by said act shall not provide any right to recovery against the employer; and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employee or any other party in interest against the fund.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were considered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended will be noted on tomorrow's Calendar.

HOUSE CONCURS IN SENATE BILL No. 555

He also returned to the Senate, Senate Bill No. 555, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to co-operate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 712

He also returned to the Senate, Senate Bill No. 712, entitled:

An Act to amend Section One and Section Two of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 899), entitled "An act establishing a State Highway in the County of Lebanon; providing for its location, construction, improvement, and maintenance by the Commonwealth" by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth,

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 796

He also returned to the Senate, Senate Bill No. 796, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing Route 36174, Lancaster County.

with the information that the House has passed the same without amendments.

HOUSE COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 418

He also informed the Senate, that the House of Representatives has appointed Messrs. Finnerty, Collen and O'Dare, as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 624

He also informed the Senate, that the House of Representatives has appointed Messrs. Polen, Pettit and Sollenberger, as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 348

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 348, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1092

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1092, entitled:

An Act making an appropriation for the expenses of the committee of the House of Representatives created by House Resolution Serial Number forty-nine adopted the nineteenth day of February one thousand nine hundred

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1837

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No 1837, entitled:

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "Public Utility Law," changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle"; and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 9, entitled:

An Act concerning the permanent recordation of certain births, birth certificates, the issuance of copies of such certificates, and prescribing the procedure therefor; enlarging the powers and duties of the Department of Health and the Bureau of Vital Statistics.

Senate Bill No. 30, entitled:

An Act providing for the establishment, construction, operation and maintenance of a mountain ridge road or skyway in the Pocono Mountains, through bordering or accessible to the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike, to be known as the "Rim Parkway"; providing for the creation of the Pennsylvania Parkway Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of parkway revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such parkway, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the parkway; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such parkway shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the

commission; conferring powers and imposing duties on the Department of Highways; authorizing the issuance of parkway revenue refunding bonds and making an appropriation.

Senate Bill No. 381, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airromes by counties of the second, third, fourth, fifth and sixth classes.

Senate Bill No. 555, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to co-operate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions.

Senate Bill No. 588, entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, by prescribing the method of fixing the fair market value of such property sold on execution and limiting the amount collectible thereafter on such judgments.

Senate Bill No. 712, entitled:

An Act to amend Section One and Section Two of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 899), entitled "An act establishing a State Highway in the County of Lebanon; providing for its location, construction, improvement, and maintenance by the Commonwealth," by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth.

Senate Bill No. 796, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporation for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing Route 36174 Lancaster County.

Whereupon,
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

PETITIONS

The PRESIDENT. A communication addressed to the Secretary of the Senate from the Medical Board of the Philadelphia General Hospital which will be spread upon the Journal:

Philadelphia, July 3, 1941

The Medical Board of the Philadelphia General Hospital
George F. Holmes, Esq.
Secretary of the Senate
State of Pennsylvania
Harrisburg, Pa.

Honorable Sir -and Members of the Senate:

At a recent meeting of the Medical Board of the Philadelphia General Hospital a resolution indorsing the passage of Senate Bill No. 575 was unanimously passed.

The staff of the oldest hospital in the United States feel it necessary to express a desire that no bills be passed which would in any way interfere with the present efficient supervision of medical practice in the State of Pennsylvania. We feel a loosening of the present efficient laws to permit unlicensed individuals to continue to practice and serve in unapproved hospitals would be a step backward.

It is our sincere hope that the opinion of the Medical Board be made known to the members of the Senate.

Yours very truly

SAMUEL B. HADDEN, Secretary

The PRESIDENT. Further communication from the County of Allegheny, which will be read by the Clerk and spread upon the Journal:

To the Honorable, The Senate of the
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania
Gentleman:

Again answering your proposal to amend the Act of 1938 which provided for the State assumption of Mental Indigents, we feel that this legislation discriminates against Allegheny County as evidenced by the following:

The Board of County Commissioners of Allegheny County vigorously opposes the enactment of the proposed legislation providing for a maintenance charge of \$2.50 weekly per capita for the 2,341 mental indigent residents in the Woodville Institution.

The Board feels that this proposal is an unjust discrimination against the taxpayers of Allegheny County who will have to bear this burden by paying increased taxes. Not only is this proposed maintenance charge vicious class legislation but it also violates the spirit and intent of the legislature of 1938 which when it passed Act No. 21 provided for complete assumption of the mental hospitals.

Since the passage of this Act the history to date has been one rebuff after another with the real estate taxpayer being the loser. In 1939 an amendment to Act No. 21 provided for a two year deferment which upset the County's Budget and compelled the Commissioners to borrow one-half million dollars for the maintenance of these mental indigents.

To amend this legislation again, the real estate taxpayers of Allegheny County would be faced with an annual tax bill of 300 Thousand Dollars, despite the fact that the State now owns loc', stock and barrel our Woodville Mental Hospital originally paid for by the real estate taxpayers of Allegheny County.

For the Governor's information and for the benefit of the Legislature, the Board of County Commissioners would like to present the taxpayers' side of this proposed legislation.

The County taxpayers have an investment of over 8½ millions of dollars in the lands, buildings and equipment at Woodville. Of this amount there are bonds outstanding in the amount of \$2,021,000 which the taxpayers of Allegheny County must pay off. Under the terms of the 1938 Act the title of the land and buildings are vested in the Commonwealth of Pennsylvania despite the fact that the taxpayers must pay off these bonds.

Summing up, therefore, the State is not only taking over our modern buildings but also 30 thousand dollars worth of livestock plus 925 thousand dollars worth of furniture and furnishings.

Another item that should be considered is the unique set-up of our Allegheny County Institution District. Ours is one of the few institution districts in the State that is turning over to the State a Mental Hospital. The majority of the State's other 66 counties never provided for mental hospitals and consequently have none to turn over to the State, and yet under this proposed legislation it is contended that Allegheny County should pay the same as any other county despite the fact that we are turning over an 8½ million dollar plant to the State. We leave this to any fair-minded person that this is not being fair and equitable to the taxpayers of Allegheny County.

We think that the General Assembly should retain the spirit and intent of the 1938 Legislature which provided for complete State assumption of the costs of maintaining mental indigents and defeat this discriminatory and unfair proposal.

Yours very truly,

JOHN J. KANE,

Chairman Board of County Commissioners

The PRESIDENT. The communication will be referred to the Committee on Appropriations.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 1311, entitled:

An Act to further amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board"; limiting the grant of general assistance to unemployable persons; transferring the administration of this act from the Department or Public Assistance to the Department of Welfare; abolishing the Department of Public Assistance and the State Board of Public Assistance; conferring powers on the State Welfare Commission; changing the powers and duties of local boards; and imposing certain duties in respect to employable persons on the Department of Labor and Industry.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

He also read in his place and presented to the Chair Senate Bill No. 1312, entitled:

An Act to add section 2321 to the act approved the ninth day of April, one thousand nine hundred twenty-

nine, (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined"; by providing for the administration of public assistance by the Department of Welfare; providing for the appointment by the Governor of an Employment Board and defining its powers and duties; conferring additional powers on the State Welfare Commission; providing for a civil service system for the employees of the Department of Welfare and Local Boards engaged in public assistance work; and repealing the provisions of this act relating to the Department of Public Assistance.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 1313, entitled:

A Supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Act's page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

Which was committed to the Committee on Appropriations.

PERMISSION TO ADDRESS SENATE

Mr. HALUSKA. Mr. President, I desire permission to address the Senate.

The PRESIDENT. If there is no objection the gentleman from Cambria will proceed.

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. HALUSKA. Mr. President, last Tuesday there was considerable discussion on this floor with reference to Resolution No. 118, pertaining to insurance that must be assigned by relief recipients before relief can be granted. I desire to ask the gentleman from Allegheny whether since that date he has had an opportunity to notice a release in practically all the papers, entitled: "Lift Aid Rule on Insurance" It further states "Relief recipients no longer limited to five hundred dollars, Russel announced."

Mr. President, I desire to ask the gentleman from Allegheny whether he has had an opportunity to read that statement in the papers.

Mr. GELTZ. I have not, Mr. President.

Mr. HALUSKA. The gentleman from Allegheny has not read that statement?

Mr. GELTZ. No, Mr. President.

Mr. HALUSKA. Has the gentleman from Allegheny had an opportunity to read a letter dated June 11, 1941, sent to the Honorable Charles A. P. Bartlett, signed by Frank A. Robbins, Jr., Chairman of the State Board of Public Assistance on the same subject?

Mr. GELTZ. I have, Mr. President.

Mr. HALUSKA. Mr. President, in paragraph number 2, I might read the following, which appears at about the middle of the paragraph, stating:

"It was the opinion of each member of the State Board that a regulation allowing every member of an assistance family to have \$1000 worth of insurance would raise a question as to the true assistance needs of such applicants or recipients." Can the gentleman from Allegheny state whether or not that corresponds with Resolution No. 118?

Mr. GELTZ. Mr. President, I do not recall the provisions of Resolution No. 118. I should think my colleague from Cambria would be able to take the resolution, if he is interested, and take that section of the letter, compare the two and answer the question himself.

Mr. HALUSKA. Mr. President, I have knowledge of that, but I am wondering whether the gentleman from Allegheny has that knowledge.

Mr. GELTZ. The answer, Mr. President, is no, I have not.

Mr. HALUSKA. However, Mr. President, the gentleman from Allegheny does realize that last Tuesday I tried to put him in a position to have full knowledge of this matter, did I not?

Mr. GELTZ. I do not know. Did the gentleman?

Mr. HALUSKA. I offered a resolution asking for this information, and the record shows that the gentleman from Allegheny seriously objected to my resolution receiving any consideration in this matter.

Mr. GELTZ. Mr. President, I do not think the record shows anything like that at all. I did object to consideration of a resolution, which was attempted to be introduced by the gentleman from Cambria, Senator Haluska, because of the whereas clauses in the resolution, which we felt did not set forth the situation as it really exists, whereupon there was later introduced, I think, a summary or a redraft of the resolution, and I believe that went to the committee where it should have gone, although I am not sure.

Mr. HALUSKA. Mr. President, since the gentleman from Allegheny has no knowledge of the contents of this letter in connection with the resolution, I shall briefly outline it, but before I do that, I would like to ask the gentleman another question.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. HALUSKA. Mr. President, can the gentleman from Allegheny tell me whether or not the Department of Public Assistance makes any allowance toward the payment of insurance to those who are receiving aid?

Mr. GELTZ. I do not understand that question, Mr. President.

Mr. HALUSKA. Mr. President, does the Department of Public Assistance allow in a weekly budget any additional sums of money to the relief recipients of this Commonwealth to enable them to pay for the insurance policies which they now hold?

Mr. GELTZ. Mr. President, does my colleague from Cambria mean, does the Department of Public Assistance give relievers enough additional money to pay their insurance premiums?

Mr. HALUSKA. I am asking whether they give any at all, Mr. President.

Mr. GELTZ. I have not any idea, but I should hope not, Mr. President.

Mr. HALUSKA. And the gentleman from Allegheny sees no good reason, due to the fact a person might have seven hundred dollars of insurance rather than five hundred, that they should pay any money whatsoever toward the payment of that premium?

Mr. GELTZ. Mr. President, the Senator from Cambria appears to have a letter under date of June 11, 1941, about which he originally interrogated me, signed by one Frank A. Robbins, Jr., and I think, instead of taking up a lot of time endeavoring to possibly make the newspapers through a speech on the floor of the Senate here, he should read that letter and study that letter, and he would then have some understanding of what the situation is today. The letter goes on to state that they went even further than was suggested in the resolution about which Senator Haluska is talking, in connection with the raising of insurance from five hundred to one thousand dollars. It goes on to state that they did not set any ceiling on the amount of insurance which a reliever carries, so long as he will make an assignment of the excess to cover the relief payments which he secures.

Mr. HALUSKA. Is it not a fact, Mr. President, under this ruling, that any person carrying insurance upwards of five hundred dollars must assign the balance in behalf of the Department of Public Assistance; is that not correct?

Mr. GELTZ. I do not think the letter states that, Mr. President. My understanding of the letter is that enough of the excess over five hundred dollars to cover relief payments must be assigned, but the excess above that need not be, and there is no ceiling on that excess, if I understand this letter correctly, although I just read it very hurriedly.

Mr. HALUSKA. Mr. President, I want to get that last remark straight. Did I understand the gentleman from Allegheny to say a relief recipient need not assign anything in excess of five hundred dollars to the Department of Public Assistance; is that the remark of the gentleman from Allegheny?

Mr. GELTZ. Mr. President, I endeavored to state that whatever excess there is above five hundred dollars carried by a relief recipient does not need to be canceled, revoked or turned in, but only some part of that excess need to be assigned, and that part which needs to be assigned is that which is necessary to cover the relief grants which the relief recipient has received.

Mr. HALUSKA. Mr. President, I might state that any person receiving relief must assign the entire amount in excess of five hundred dollars for repayment of any monies he receives to the Department of Public Assistance,

the entire amount above five hundred dollars, not a portion of it.

Now, Mr. President, since the gentleman from Allegheny has not seen the release in the papers, and since he has asked me to compare this letter with the resolution that I introduced some time ago and which was passed by both Houses, I would like to quote the second paragraph of this letter which reads as follows:

"The responsibility of the State Board of Public Assistance is quite extensive, since the regulations adopted by it establish eligibility for assistance and the nature and extent of such eligibility. This responsibility is placed upon the State Board of Public Assistance by section 2504-A of Act No. 395 of 1937."

Mr. President, I have before me the laws of 1937, I have before me Act No. 395, and I have before me section 2504-A.

I would like to ask any of my colleagues to point out to me where section 2504-A gives the Department of Public Assistance any right whatsoever to make such rules and regulations under that section. It is a false report, and nothing in section 2504-A gives them that right.

Consequently, Mr. President, this afternoon I did call up the Department of Public Assistance. Mr. Russell was not in. I talked to Dr. Bowman and he tried to make me believe that resolution, serial 118, would permit every member of a family, as outlined in his letter that now appears on each Senator's desk, the sum of one thousand dollars insurance coverage. Mr. President, if you read that resolution, the wording is entirely different, and I read the resolution over the telephone to Dr. Bowman and he agreed very modestly that some one had erred. He agreed, after the board met, that they were of the firm opinion that under my resolution every member of a family would be permitted to carry the sum of one thousand dollars in life insurance, but after reading it the second time, which was this afternoon, he said they have made an error, and that they would call another meeting of the board, and he was hopeful, although he could not speak for the board, that the board might reconsider their action as stated in this letter of June 11th. So, Mr. President, that is the information that I tried to bring before this body last Tuesday, and now I am going to wait a few days hoping the board might meet this week. If they do not meet, of course further action must be taken by this Senate, because I am of the firm belief that this entire Senate, having passed this resolution without a negative vote, and the House having passed it, that they were sincere in their request that the Department of Public Assistance would grant relief to those people who are in need, without compelling them to cancel any policy under the principal sum of one thousand dollars. So, Mr. President, being hopeful that the board might meet, I will await further action.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Appropriations, reported as committed, Senate Bill No. 1313, entitled:

"A Supplement to the Act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page 60) entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools

for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

Mr. THOMAS, from the Committee on Municipal Government, re-reported as committed, Senate Bill No. 500, (House Bill No. 708), entitled:

An Act enabling city, county, poor, institution district, ward, school, borough, and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same by the expiration of the authority of their respective warrants, or by the expiration of their terms of office; extending the time for the collection of the same for a period of two years from the passage of this act; and validating collections and proceedings for collections made or commenced without previous authority.

Mr. WADE, from the Committee on Banking, reported as committed, Senate Bill No. 512, entitled:

An Act providing for the creation and for the administration by a State Building and Loan Insurance Board created in this act, of a state fund for the insurance of shares in building and loan associations and savings and loan associations; and prescribing penalties.

He also, from the Committee on Banking, reported as committed, Senate Bill No. 510, entitled:

An Act to amend sections 504A, 607 and 608A of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled, "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by providing for the taking of possession of the business and property of building and loan associations and savings and loan associations the shares of which are insured in the State Building and Loan Insurance Fund.

REPORT OF PENNSYLVANIA WORLD FAIR COMMISSION

Mr. COLEMAN. Mr. President, I desire to make a report of the Pennsylvania World's Fair Commission, if it is permissible.

The PRESIDENT. If there is no objection, the gentleman from Lackawanna may proceed.

Mr. COLEMAN. As Acting Chairman of the Pennsylvania World's Fair Commission, I desire to report to the Senate a summary of the history of the Commission and

its accomplishments in the handling of Pennsylvania's participation in the New York World's Fair in 1939 and 1940.

When the New York World's Fair was decided upon to commemorate the 150th Anniversary of the Inauguration of George Washington, it occurred to me that our state ought to participate in the Fair in a fashion commensurate with the importance of the Commonwealth. I sponsored the legislation as a member of the House creating a Commission to handle Pennsylvania's participation.

Through Act 546, which was approved on the second day of July, 1937, by Governor George H. Earle, a State World's Fair Commission of five was created, and an appropriation of \$75,000 was allocated to the Commission. It provided that the Commonwealth of Pennsylvania should participate in the New York World's Fair of 1939 and that a proper building should be erected in which all exhibits should show historic, scenic, industrial, scientific and agricultural advantages of Pennsylvania.

It was my belief that we ought to have the type of exhibit that would show that Pennsylvania had everything from the cradle of American democracy in Philadelphia to the bustling industrial life of Scranton and Pittsburgh; likewise it should show the natural resources, entrancing scenery and alluring vistas.

It was quite obvious that the money appropriated was not sufficient to carry out the plan of the commission in having an exhibit in keeping with the dignity of the Commonwealth. On the tenth day of February, 1939, an additional sum of \$312,000 was allocated to the World's Fair Commission.

When the World's Fair Corporation announced its decision to open for a second year the Commission felt that it would be appropriate to reopen the Pennsylvania Building, as only very minor repairs would be necessary to put it in perfect condition. Since the State World's Fair Commission's appropriations were so nearly exhausted, it was necessary to appeal to several hundred industries, associations, and organizations in Pennsylvania, asking for their cooperation in order to reopen and maintain the building for a second year. The funds so raised amounted to \$65,722.20. I am happy to report that after the close of the World's Fair, in 1940, it was possible to refund to the contributors \$13,827.51 which represented a return of 21 per cent of the money collected.

The Pennsylvania Building had one of the outstanding locations in the Fair, as it spanned the Flushing River and on one side stood at the head of the Court of States, and on the other commanded a magnificent view of the Court of Peace and the Lagoon of Nations. The foreign area was entered from one wing of the Pennsylvania Building, and from the other wing the commercial and industrial section was entered. The amusement area started at the base of the Court of States.

The architecture of the building conformed to the lines of the most famous building in America, but it was not a replica of Independence Hall as the Pennsylvania Building was designed to house a modern exhibit.

The architects of the building were Walter Gropius and Marcel Breuer, and their aim was to graphically present the rich background and heritage of Pennsylvania, to show the growth of culture and science and industry and achievement today; the Keystone State.

The large exhibit was divided into three parts, the Hall of Tradition, the Hall of Progress, and the Hall of Democracy.

Since the history of the United States emanates like the rays of the sun from Pennsylvania, the Keystone State, it was only fitting that those days and events centering in Pennsylvania which concerned the birth of the colonies and the freedom of the states from England, as well as Pennsylvania's advances in culture and the sciences, should be high-lighted in the ten sections of the Hall of Tradition. To symbolize the slow but measured start of time, and its ceaseless advance and momentum, a pendulum swung in front of a wall of midnight blue glass, and from there the history of Pennsylvania spread itself throughout the Hall of Tradition.

The Hall of Progress, through the medium of illuminated and moving drums and dioramas, showed Pennsylvania's contemporary industries, commerce, and culture; her place in the nation and in the world.

The Hall of Democracy depicted Pennsylvania as a unit.

Entering from the Court of States one passed under an enlarged reproduction of the Liberty Bell, this emphasizing the architectural theme of the Building. Immediately beyond the Bridge of Unity, which stretched across the interior of the exhibit, was a photo-mural, covering the whole wall, 30 x 90 feet; a composite photograph taken in Pennsylvania's 67 counties.

The millions of visitors who came to the Pennsylvania Building and enjoyed its hospitality and its facilities, have spread good will, nation wide, for the Keystone State. Appreciation of Pennsylvania is growing within her own borders, and many Pennsylvanians discovered Pennsylvania at their World's Fair Building in 1939 and 1940.

Instead of a mental picture of Pennsylvania as a huge coal mine, edged with steel and history, visitors left the Fair with a realization of the importance of Pennsylvania for its diversity and culture, as well as a knowledge of its beauty and many resources.

In 1939 approximately 465,000 pieces of literature were distributed and in 1940 more than 750,000 pieces. The various Departments of the Commonwealth showed a fine spirit of cooperation in furnishing material for distribution to the visitors to the building.

It is pleasant to note that the building which represented our participation in the World's Fair in both 1939 and 1940 opened and closed on the same day as the Fair and was open every day during the two years of the exhibit.

In 1939, according to the statistics of the New York World's Fair Corporation, more than seven million persons visited the Pennsylvania building, more than visited any other building in the Court of States. In 1940 it was estimated by the World's Fair corporation that 18 per cent of all those attending the Fair came from the Commonwealth of Pennsylvania, and was exceeded only by the number from the states of New York and New Jersey.

According to the same source, 28 per cent of the entire World's Fair attendance in 1940 visited the Pennsylvania Building, the total attendance at the Building for the two years was more than 12 million people.

The members of the Legislature and cabinet and other officials made the Pennsylvania Building their headquarters at the Fair.

This report is not intended to give a detailed account of the benefits derived from Pennsylvania's participation in the great show. The commission has in the process of preparation a detailed report, including a history of the exhibit from the time legislation was introduced until the commission formally completed their duties a month ago.

The Commonwealth of Pennsylvania appropriated \$387,000 for use by the Commission in carrying out Pennsylvania's participation in the Fair and after the payment of the costs of the printing of the final report, returned to the general fund of the Commonwealth approximately \$3,000.

Upon demolition of the Pennsylvania Building interior, completed early in 1941, the furnishings and murals, figures and flags were sent to the Department of Military Affairs for use in the recreational building at Indiantown Gap.

It is with very sincere appreciation that the State World's Fair Commission wishes to acknowledge the fine cooperation of the New York World's Fair Corporation and its representatives.

It would be impossible to list the names of all of the individuals and organizations who helped to make the Pennsylvania exhibit a success through donations, loans or suggestions.

The Commission desires to pay its respects to William Gore, General Manager of the Building, and to Mrs. Josephine Foster Bright, Assistant General Manager, who acted as official hostess during the two years of the exhibit, and to the many various other hostesses who exemplified the spirit of hospitality of Pennsylvania in their handling of the thousands of visitors to the Building.

I desire to express my sincere thanks for the splendid cooperation given to myself and the members of the Commission by the gentleman from Allegheny, Senator John Walker, and the gentleman from Philadelphia, Dr. George Woodward, both of whom gave of their time and talent to help make Pennsylvania's exhibit the outstanding one in the Court of States.

It is the intention of the Commission to forward copies of the final report of the Commission to each member of the Legislature, cabinet members, various department heads and libraries throughout the Commonwealth.

To the members of the commission Pennsylvania owes a debt of gratitude, for they gave generously of their time, talent and energy to the cause of the Keystone State. I want to particularly thank Mrs. George H. Earle, who served as First Chairman of the Commission, Richard P. Brown, who succeeded her, likewise Representative Cadwalader, Former Senator Sam Gilson, Charles J. Graham, Mrs. John Y. Huber, Jr., George W. Huntley, Jr., John B. Kelly, Joe O'Minsky, Henry J. Pierson, the late Joseph Wear and Irwin D. Wolf, upon whose shoulders devolved much of the work in arranging the exhibit.

The attendance figures released by the New York World's Fair Corporation, the fine publicity given to the State throughout the nation, the benefits which will accrue to the Commonwealth from participation in the Fair, justified the action of the Legislature in making a substantial appropriation to handle Pennsylvania's part in the great show in keeping with the dignity and importance of this great Commonwealth.

REPORTS FROM COMMITTEES

Mr. FARRELL, from the Committee on Elections, reported as committed, Senate Bill No. 1310, (House Bill No. 602), entitled:

An Act to amend sections eight hundred and one and nine hundred seventy-six of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including

general municipal special and primary elections the nomination of candidates primary and election expenses and election contests, creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections the Secretary of the Commonwealth and the courts.

Mr. BARTLETT, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 1311, entitled:

An Act to further amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of general assistance to unemployable persons; transferring the administration of this act from the Department of Public Assistance to the Department of Welfare; abolishing the Department of Public Assistance and the State Board of Public Assistance; conferring powers on the State Welfare Commission; changing the powers and duties of local boards; and imposing certain duties in respect to employable persons on the Department of Labor and Industry.

He also, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 1312, entitled:

An Act to add section 2321 to the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined;" by providing for the administration of public assistance by the Department of Welfare; providing for the appointment by the Governor of an Employment Board and defining its powers and duties; conferring additional powers on

the State Welfare Commission; providing for a civil service system for the employes of the Department of Welfare and Local Boards engaged in public assistance work; and repealing the provisions of this act relating to the Department of Public Assistance.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

APPOINTMENT AS JUSTICE OF THE PEACE IN LACKAWANNA COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred Capple, Jr., R. D. 3, Moscow, Lackawanna County, for appointment as Justice of the Peace in and for the Township of Spring Brook, Lackawanna County, until the first Monday in January, 1942, vice Fred Capple, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS COMMISSIONER OF DEEDS FOR THE COMMONWEALTH OF PENNSYLVANIA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 1, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph Fiell, Room 1815, 140 Cedar Street, New York, New York, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of New York, for the term of five years, to compute from July 6, 1941.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. GELTZ.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. GELTZ,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Mundy,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 352, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fifth class, imposing certain charges on counties and prescribing penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Mundy,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 566, entitled:

An Act to amend clause (b) of section twenty-seven of the act approved the seventh day of June one thousand

nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by further regulating the discharge of charges on real estate.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Mundy,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1074, (House Bill No. 1470), entitled:

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining

instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Taylor,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Mundy,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 169, entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" abolishing the existing registration commissioner for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor further regulating the appointment of employees and assistants by the registration commission, and removing the present appointees providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs towns and townships of the county providing for the transfer of the registration of electors upon change of residence from a third class city borough town or township in the same county changing the period during which changes of enrollment of political party may be made eliminating preparation and distribution of street lists and permitting the destruction of certain records.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

MOTION THAT SENATE NON-CONCUR IN AMENDMENTS

Mr. GELTZ. Mr. President, I move that the Senate non-concur in the amendments.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. BARR. Mr. President, I would like to ask the gentleman from Allegheny whether he is in favor of the city registration commission and the county registration commission being formed into one commission?

Mr. GELTZ. Mr. President, it may be a good thing, I am not certain, but it seems every time we have one of these combines, for the purpose of expediency and efficiency we get more employes in the long run than we have with two separate set-ups, so I do not know whether this would accomplish what it is intended to accomplish or not.

Mr. BARR. Mr. President, I desire then to ask the gentleman from Allegheny if there is any reason why the people of Pittsburgh should not be treated the same as the people in Erie, Wilkes-Barre, or any other city, where there is one registration commission for the entire county, with the exception, of course, of Philadelphia, and their case is not like the City of Pittsburgh, where the county line and the city line is just the same. In other words, we will take Luzerne County, for example; a person who lives in Plymouth or lives in Wilkes-Barre, where they have one registration commission, and if he moves from Wilkes-Barre to Plymouth or vice versa he does not need to re-register. Does not the gentleman from Allegheny think that by having one commission we could give the voters better service?

Mr. GELTZ. Mr. President, I am not so certain the idea of having a set-up which eliminates re-registration is such a good one. I think re-registration gives the commission a better check-up on the legal and lawful voters. Of course, if one does not care who the legal voters are, it may be a much better set-up to have it the other way.

Mr. BARR. From the history of the Pittsburgh Registration Commissions, I think the gentleman from Allegheny will agree we have had both good commissions and bad commissions, am I right?

Mr. GELTZ. I think, Mr. President, that is probably the history of almost all commissions, whether it be Pittsburgh Commissions or Allegheny County Commissions or Philadelphia Commissions or any others.

Mr. BARR. I am referring, of course, to the Pittsburgh Registration Commissions. Does the gentleman from Allegheny think we have had both good and bad commissions?

Mr. GELTZ. Well, Mr. President, I suppose the commission has been good and bad at different times.

Mr. BARR. Maybe I should be a little more direct in my

questions. Does the gentleman from Allegheny think the present registration commission is a good commission, in the City of Pittsburgh?

Mr. GETTZ. I do not know, Mr. President, whether it is a good commission or a bad commission. I have not heard much complaint about it.

Mr. BARR. Mr. President, does the gentleman from Allegheny think the Board of County Commissioners has been a good Registration Commission in the County of Allegheny?

Mr. GELTZ. I think the County Election Bureau has been conducted in a very able manner.

Mr. BARR. Well then, why would the gentleman from Allegheny not be willing since he is sure the county registration commission is elected by the people and they are responsible to the people, why would not they be the best persons to conduct registrations throughout the county?

Mr. GELTZ. Well, Mr. President, I am not so sure that the same thing would continue. To tell the truth, I am just a little bit suspicious about this bill, since the House amended it in such a way as to offer the minority commissioner one-third of the patronage. That looks to me as if there is some political bartering in connection with this bill now, and it may be a good thing not to have the bill at all.

Mr. BARR. Mr. President, that was put in by the Republicans. They were the ones who requested that amendment; it was not the Democrats.

Mr. GELTZ. Mr. President, that is not quite a correct or an accurate statement. This bill passed the Senate, combining the two commissions, so that the Governor would have the appointment of the Registration Commissioners. That, Mr. President, was after Senator Barr informed me what a good bill he and Senator Walker were sponsoring, and he also informed me that he was not interested in who had the appointing power; he was interested in combining the commission so that it would operate more efficiently.

Mr. BARR. That is correct, Mr. President, and I do think when it comes to an election board or a registration commission that each party should have persons in that position and I still think so, but at present in Allegheny County, the majority of the county commissioners are Democratic. There are sixty-five employes in the Registration Commission, and the Democrats appointed twenty-seven Republicans, and when this bill went over to the House some of the Republican House members and some of the Republican Senators talked to me, and they thought as a guarantee that this should be written into the bill. Now, to be honest with you, that was written in for the Republicans, at their request, and not at my request.

Mr. GELTZ. Mr. President, I trust my colleague from Allegheny County, is not referring to me when he says a Republican Senator talked to him.

Mr. BARR. That is correct, Mr. President, I am not referring to Senator Geltz.

Now, Mr. President, I have finished with my interrogation and I would like to ask my colleagues to vote to concur in the amendments put in by the House.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, the record shows that

this bill passed the Senate by a vote of thirty-two to sixteen; sixteen Democrats voting against the bill as I recall it. Am I correct in the statement that the gentleman from Allegheny, Mr. Geltz, voted for this bill when it passed the Senate?

Mr. GELTZ. The gentleman from Philadelphia is correct, Mr. President.

Mr. SHAPIRO. Mr. President, at the time the bill was first introduced, it was introduced in a form which did not provide for appointment of the commissioners by the Governor, but it was subsequently amended, I think by the gentleman from Allegheny, to include appointments, to change the bill so that appointments to the registration commission would be by the Governor. Am I correct in that?

Mr. GELTZ. I am not certain, Mr. President, whether I had anything to do with the amendment or not, but I would not be surprised if I had.

Mr. SHAPIRO. Mr. President, may I suggest that one of the gentleman's reasons for voting against the bill is not that he objects to the combination of the two offices, but merely he objects on the ground that the appointing powers given to the Governor when the bill passed the Senate has been taken away?

Mr. GELTZ. That is not quite accurate, Mr. President. I can not see the necessity for combining the two offices, and I do not know definitely, and I do not think anybody else does know definitely, that there would be any improvement in the functioning of one commission instead of two commissions. However, I was willing to go along on the basis of having an appointing power which was somewhat detached from the scene of political activity, and I therefore voted for the bill. In that connection, Mr. President, I would like to state that the gentleman from Allegheny, Senator Barr, who was so interested in the efficiency that would come about by a combination of these two commissions, but who was not interested in who had the appointing power, voted against the bill, I believe, when the appointing power was changed from the commissioners to the Governor.

Mr. SHAPIRO. Mr. President, I understand then that when the bill provided the appointing power be in the Governor, the gentleman was satisfied with the bill, because he felt that somebody far from the scene would be better to appoint. Has the gentleman taken into consideration the result of somebody far from the scene now appointing them in Philadelphia?

Mr. GELTZ. Mr. President, I have not taken that into consideration, any more than I have taken into consideration some of the other numerous difficulties that great city of brotherly love seems to be having constantly.

Mr. SHAPIRO. Then, Mr. President, as I understand it, the gentleman from Allegheny paid no attention to the situation in Philadelphia.

Mr. GELTZ. Not particularly, Mr. President.

Mr. SHAPIRO. Does the gentleman know this bill passed the House by a vote of 183 to 0?

Mr. GELTZ. I did not know that, Mr. President, but that does not surprise me at all, after looking at the vote by which some other bills passed the House by such a majority, and it looks to me like some people are trying to save their necks.

Mr. SHAPIRO. Now, Mr. President, I would like to interrogate the gentleman from Allegheny, Mr. Walker.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. I will, Mr. President.

Mr. SHAPIRO. Will the gentleman who comes from the State of Allegheny say whether it is not true that it was he who introduced the amendment to this bill giving the appointing power to the Governor?

Mr. WALKER. I did, Mr. President.

Mr. SHAPIRO. Is it correct, Mr. President, that the gentleman from Allegheny said, when we were discussing this amendment, that he was not particularly interested in whether the Governor appointed these men or whether they were elected, but he was rather anxious to get a combination of the two offices and avoid a great deal of expense, confusion and difficulty.

Mr. WALKER. Mr. President, I would not want to plead guilty to that entire statement. I think the record will show what I said. In order to clarify, let me say in all humility Mr. President, I am interested in consolidating these two boards, and I will repeat, so there is no misunderstanding, I do not care who makes the appointments to the board, whether it be the commissioners or the Governor, and may I say, Mr. President, so there is no misunderstanding, I personally assured my co-sponsor of this bill that if it were so amended, as the bill now appears, I personally would have no objection to it, and I would much rather see the registration commission consolidated than to get into a discussion as to who makes the appointments, and may I suggest, Mr. President, so there is no further misunderstanding, that the original idea of giving the minority commissioner one-third of the appointments did not originate in the Senate; that originated in the Board of Commissioners of Allegheny County, two of whom are Democrats.

Mr. SHAPIRO. Mr. President, may I further interrogate the gentleman and ask whether or not he is in favor of the bill in its present form?

Mr. WALKER. Mr. President, I will vote for the bill in its present form.

In further explanation of my position on this bill let me say that at the present time, in the County of Allegheny, the City of Pittsburgh has a registration board, which has been explained on the floor, and the County of Allegheny has a registration board. The county commissioners appoint all of the employees of the county registration board, and inasmuch as a majority of the commissioners are Democratic, it is safe to assume that the majority of employees of the county registration board are Democratic; that is a natural political following.

The registration commission in the City of Pittsburgh, being under the control at the present time of the Republican administration, the chances are that those employees and personnel are Republicans.

Now, Mr. President, I think it is important that these two boards be consolidated; whether we gain a few jobs in 1942 or in 1941, or lose a few jobs, is secondary to the efficiency that might be created by a consolidation of these two boards. I firmly think the county commissioners of Allegheny County, who are responsible for the conduct, and who are responsible for the salaries of the registration boards, should have the right to appoint them. I think that is a practical application of home rule.

Now, Mr. President, my distinguished colleague from Allegheny, Senator Geltz, does not quite agree with my position in this matter. However, the disagreement or the

difference of opinion is an honest one, and it shows a very healthy condition in the County of Allegheny.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Philadelphia will state his parliamentary inquiry.

Mr. SHAPIRO. Mr. President, I understand the motion is that the Senate shall non-concur in the amendments made by the House.

The PRESIDENT. That is correct.

Mr. SHAPIRO. Therefore, Mr. President, a vote "no" will mean that we do concur in the amendments.

The PRESIDENT. That is correct.

And the question recurring,

Will the Senate non-concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	Miller,	Tyler,
Carr,	Geltz,	Scarlett,	Watkins,
Chapman,	Heyburn,	Snowden,	Wilson, H. I.,
Crider,	Homsher,	Stevenson,	Wilson, T. B.,
Crowe,	James,	Tallman,	Woodward,
Deitrick,	Kephart,	Taylor,	Ziesenheim,
Ealy,	Letzler,		

NAYS—16

Barr,	Frey,	McCreesh,	Ruth,
Cavalcante,	Haluska,	McGinnis,	Shapiro,
Coleman,	Jaspan,	McQuiddy,	Stiefel,
Cox,	Lanius,	Mundy,	Walker,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 783, entitled:

An Act to further amend the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463) entitled as amended "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by changing the method by which notice of the formation of a municipal authority shall be made public further regulating incorporation purposes and existence of the authority defining procedure whereby an authority can enter into contracts and dispose of its bonds imposing additional qualifications and duties on members of the authority imposing civil liability on members of the board and officers of an authority in certain cases requiring annual audits imposing additional duties on the court of common pleas giving authorities right of eminent domain in certain cases extending with certain limitation the power of Authorities

to make certain purchases requiring authorities in certain cases to secure certificates of public convenience from the Public Utility Commission imposing duties upon said commission and providing for appeals requiring the filing of financial report by authorities with and the approval of bond issues by the Department of Internal Affairs and conferring powers and imposing duties upon said department restricting the appointment of members of authorities and limiting their salaries and providing for the voluntary dissolution of authorities.

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. EDMONDS. Mr. President, Senate Bill No. 783 is the result of several month's study of the municipal authorities in Pennsylvania.

We have now about sixty authorities which have been chartered in the way the Act of 1935 provides. Of those there are about twenty that either have abandoned their projects or else have never formally organized the projects, and there are perhaps thirty or more that have taken over certain projects which they are now administering under the terms of the Municipal Authority Act.

This bill, Senate Bill No. 783, provides for an amendment to the original act of 1935, as amended in 1937 and 1939, in several important particulars. It provides, first, that if an authority is to buy a utility, that they must have a certificate of public convenience from the Public Utility Commission, bearing in mind the public interest and what the public interest would require, and bearing also in mind that the financial plan of the authority is feasible. The bill provides, secondly, that the bonds of the authority must be sold at public sale, or at least, they must advertise and receive bids, and sell to the highest bidder, unless there are no bids at all, in which case they may make a private contract.

It provides in the third place that not more than two of the five members of an authority, of the governing board shall be members of the governing board of the municipality that creates the authority.

It provides, fourth, that if the authority contains a combination of several places, if the service area embraces several municipalities, each municipality which has more than ten per cent of the consuming power of the authority shall be entitled to membership on the board.

It has other provisions in there which have been studied with a great deal of care and I hope the bill will appeal to the members of the Senate as a non-partisan attempt to make authorities workable.

I may say when personally I began my study of this authorities question, I was of the opinion that the thing we ought to do was to repeal the Act of 1935 and those amendments of 1937 and 1939, but later on it seemed to me there were certain possible advantages that could be developed for this state by use of the authority device particularly where there are several contiguous municipalities that want to unite for a water system, or want to unite for a sewage system or want to unite for a disposal plant propositions that are beyond the financial range of one municipality, but which may be handled and carried satisfactorily by bringing together a group of municipalities and having them take part in the proposition.

Now, in the past few years, there have been certain cases in which municipal authorities have taken over projects where there has developed public criticism. I do not want to refer particularly either to Chester or to Beaver Falls, because in both of those cases there are matters pending in the courts and I do not think this is the proper time or place to consider them, but I do want to say this, that if the authority as a device is to be saved for Pennsylvania, we must do something like Senate Bill No. 783 proposes.

I am perfectly willing to admit it is probably not perfect, it is a difficult subject, and it may have to be worked with two or three or four times before it works out in a practical way, but I want to call the attention of the Senators to the fact that Pennsylvania is one of the states which has a very large number of private water companies and private sewer companies. Less than three months ago, when I inquired from the Public Utility Commission, there were 456 private utilities furnishing water supply in Pennsylvania and only 232 municipally owned plants. In the period from 1932 to 1941, public authorities acquired 44 private water plants, and most of those were acquired by contracts and purchases. Some of them have been acquired through the device of a municipal authority.

In the same way, 170 municipalities own and operate sewage facilities, but there are many more than that in which private arrangements or no arrangements at all have been made, and it seems to me evident that as this state increases in prosperity, there is bound to be an improvement in water and sewage and sewage disposal plants, and I recognize in the authority a way whereby this can be done by a community without placing too heavy a burden upon the taxpayers.

Therefore, Mr. President, I take great pleasure in commending this bill and stating to my colleagues on both sides of the aisle that there is no partisanship in this. The original bill was drafted by Commissioner Buchanan of the Public Utility Commission, and a number of amendments have been made, which have been helpful, from both sides of the aisle, and consequently this is not to be regarded as a piece of partisan legislation.

Mr. JASPAN. Mr. President, I agree with the gentleman from Montgomery, that certain safeguards should be put into the law to protect not only the bondholders but also the taxpayers, the rate payers as well.

Municipal Authority legislation, Mr. President, was the natural outgrowth of the era of reckless municipal spending that led to make-shift economies and broken down municipal government. When the Federal Government started handing out largesses in ample abundance, the stricture on municipal borrowing capacity prevented many municipalities of the Commonwealth from enjoying this munificence and the Legislature was forced to come to their rescue with passage of the Municipal Authorities Act in 1935. This piece of legislation enabled cities and boroughs, towns and townships, to undertake the acquisition and operation of projects, some self supporting, to issue additional financing and to generally carry on municipal activities and improvements that would have been otherwise impossible because their borrowing capacity had been exhausted.

I do object, Mr. President, to the amendment beginning at line 14, page 14, and going through to line 6 on page 16,

wherein the Public Utilities Commission is given jurisdiction as to acquisition. The act as originally conceived in 1935 set up a self supporting institution entirely complete in all its details. The Legislature in bestowing on the Municipal Authorities the power to fix and collect rates for use of the facilities or services rendered by the projects under its authority, specifically designated the income to be used for the expenses of the Authority and maintenance and operation of the project producing the revenues, and the payment of principal and interest on any obligations issued on the security of such project. The board governing the Municipal Authority therefore needed no staff of rate experts, no engineers, no experts other than those needed to operate the project and competent auditors and accountants. In short, all that the Municipal Authority had to do was to collect enough money at reasonable rates for the type of service rendered by the project to pay its running and fixed charges. Rule of thumb methods to meet this condition have been devised and the Municipal Authorities have been running their affairs very successfully without the kind of studies required by the Public Utility Commission.

The amendments I have in mind, appearing on pages 14, 15 and 16, propose to change all of this, wants the Public Utility Commission to put its imprimatur on any project acquired for a cost above \$250,000. It stands to reason, after studying the provisions of this amendment, that the Public Utility Commission can not by any stretch of the imagination, determine reasonable rates within thirty days or the acquisition price within thirty days—mind you it is in the act, on the pages designated by me—after an application is filed as required by the proposed amendment. We know that water rate cases take a long time under Public Utility Commission handling, and many of you will recall the famous Scranton Water Works rate case, which has now been pending for eight years. Consequently the injection of this requirement into the operation of the Municipal Authority Act is purely a blind. The sole purpose of this amendment, as I conceive it, is to give the Public Utility Commission the power to wield a club over negotiations between the municipal authority and the existing utility. The Public Utility Commission could, by repeated rejections, force the price up to some point satisfactory to the seller. That is only my opinion; I may be wrong. The provision for appeal to the Superior Court is even worse, as that court limited by the findings of the Public Utility Commission and a sketchy investigation of less than thirty days—and investigation of less than thirty days—could do no more than to uphold the hands of the Commission. An appeal under such circumstances would be a farce. Thus, the advantages of free negotiations that has benefited the municipal authorities purchases of utilities to date would be ruthlessly destroyed. Besides, there would be endless delay, endless bickering and the utility could with smugness assume that the Public Utility Commission would see to it that it got a better price than it could have obtained by direct, hard dealing with the municipal authority representing the immediate rights of the municipality that set it up. The Public Utility Commission could thus at one stroke destroy home rule, the very essence of the legislation creating the municipal authority, and dictate prices favorable to the utilities.

Mr. President, this bill is manifestly designed, on these

pages I have enumerated, to give the Public Utility Commission supreme authority over the purchase by municipal authorities of the facilities and property of public utilities enumerated in the bill. It is apparently designed to preclude a recurrence of the situation involving the Chester Water Works. Unfortunately, the remedy embraced by this bill is worse than the disease it is designed to cure.

Briefly, the Public Utility Commission will be required to determine the fair value of the utility property which is to be conveyed by a private utility to the municipal authority concerned. This determination involves numerous elements which will seriously interfere with the broad objectives of the original Municipal Authority Act.

There is no yard stick today for properly determining fair value. The United States Supreme Court has never fixed any standard which can accurately measure fair value. The Federal Power Commission, in its determination of fair value for rate making purposes, has adhered to the rule of actual legitimate original cost. The United States Supreme Court, as well as other courts throughout the country, has indicated that numerous other elements must be considered, such as original cost, reproduction cost, historical cost, and more recently has emphasized prudent investment as an element to be considered.

Mr. President, it is one thing to determine fair value for rate making purposes, but it is still another thing to determine fair value for the purpose of sale by a private utility to a municipal authority. As difficult as it is to determine the fair value of a utility property to rate making purposes, it is even more complicated today to determine fair value for the purposes of sale.

This determination involves numerous elements which will seriously interfere with the broad objectives of the original Municipal Authority Act.

Assuming Mr. President, that there were a fixed yard stick for determining the fair value of a utility property for rate making purposes, such a value would not necessarily be the fair value for the purposes of sale. The present earnings of the company are an important factor in determining the fair value for the purposes of sale, but this element is of no consequence in determining the fair value for rate making purposes. In the latter event, after the fair value (rate base) is determined, the Commission will allow the utility to earn five or six per cent on this rate base. However, in the case of a sale which is contemplated by a municipal authority act, the situation is entirely different. For example, a utility property which is so determined as having a fair value of one million dollars for rate making purposes, would be allowed five to six per cent net income under our present day standards of rate making, however, the same utility, in the event of a sale, may properly insist on a much higher price than it would otherwise ask even with allowable earnings of five to six per cent.

With such property, let us assume that there are eight hundred thousand dollars in bonds at three per cent outstanding and two hundred thousand dollars in common stock which is owned by the operators of the utility, who are now being asked to dispose of their property to the municipal authority;

Allowable return, \$1,000,000 at six per cent ..	\$60,000
Interest on bonds, \$800,000 at three per cent ..	\$24,000
Common stock, \$200,000 at eighteen per cent ..	\$36,000

Let me state, for example, Mr. President, where there is property valued at ten million dollars, and there is an allowable return at six per cent, that would amount to \$600,000. There would be \$8,000,000 in bonds at three per cent, which would amount to \$240,000. In other words, the common stock which amounts to \$2,000,000, would get \$360,000; in other words, about eighteen per cent return. That is one instance. They certainly would not want to sell and deprive themselves of that eighteen per cent unless they were to get a price which would net them at least eighteen per cent.

Let us take another example, where the value is \$10,000,000 and they get six per cent, which would give them \$600,000. The bonds would pay three per cent, which would get \$60,000. The common stock which amounts to \$8,000,000, would get about \$540,000 which is about 6.75 per cent. They want at least six or seven per cent.

There is a third example. Six per cent on \$10,000,000 would be \$600,000, that is, the allowable return at six per cent. Assumed earnings, \$200,000. \$8,000,000 in bonds at three per cent, which would amount to \$240,000. There would be a loss to the common stock holders of \$40,000. They certainly would not stand for a loss and would not agree to the sale of the public utility property unless there would be some gain, yet for the sake of rate making purposes ten million dollars is the fair value of the property.

It is manifest, Mr. President, that the common stock holders of this utility, who are now earning eighteen per cent return on their investment, by the first example brought out, would obviously refuse to dispose of the property for one million dollars, as they would only be receiving two hundred thousand dollars, which they would find difficult to invest in any other enterprise returning such large dividends. In all probability the common stockholders of such a utility, who technically own the property, would want at least four or five hundred thousand dollars more for this property.

Now conversely, Mr. President, if the same property were just about earning a sufficient sum to pay the interest on its bonds, to wit, twenty-four thousand dollars even though it were allowed sixty thousand dollars in earnings, the value of the common stock in this situation would be virtually nothing. As a consequence, the property for the purposes of sale would be much less than one million dollars.

It is manifest, therefore, that if the Commission were to assume jurisdiction in determining the fair value for the purposes of sale, there would be endless delay in a proper determination and the result would, in all probability, prove of little value in determining the fair price to be paid for the utility property.

In view of the numerous elements involved, the most satisfactory manner of transferring ownership from a private utility to a municipal authority would be by the method of negotiation between the parties concerned. In this way, all technical factors which are usually considered in determining fair value are subordinated to bargaining between the parties.

The commission has long recognized the superiority of negotiating rate reductions against litigation. For the same reason, negotiating the sale of a utility property to the municipal authority is superior to any formal procedure which Senate Bill No. 783 contemplates.

The Public Utility Commission, under the present Public Utility Law of this state, has no jurisdiction whatever over the rates to be charged by a municipal authority, within the geographical area embraced by such an authority. As a consequence, even if the commission could assure that a fair price were paid for the utility property, it could not protect the consumers as to the rates which the municipal authority would charge.

In view of this, Senate Bill No. 783 would impose a great deal of work on the commission, when, its primary function is to protect the services and rates of consumers, and in doing this work the commission is compelled to neglect its other functions under the law. Besides, as the cost of maintaining the commission is allocated among all of the utilities in the state, Senate Bill No. 783 imposes expenses on the commission which other utilities or the tax payers will be obliged to assume, and there is no provision in this bill to take care of this added expense on the part of the commission, without the established mechanism by assessment of costs among all of the utilities.

The function which the commission will be required to perform under this bill is entirely foreign to the real purpose of the commission and it can only be accomplished at the expense of its primary function—namely, the protection of the utility rate-payers of the state.

Please note that municipal authorities have, by this bill, been stripped of their power in a large measure. First, as you know, it is necessary that municipal authorities apply for a certificate of public convenience, putting them in the same category as any corporation or individual, notwithstanding the fact that municipal authorities are municipal corporations as defined under the public utility laws of 1937. Therefore the law is changed with respect to definition of municipal authorities on page 9 of the Public Utility Law of 1937 and the definition of municipal corporations means all cities, boroughs, towns, townships or counties of this Commonwealth and also any public corporation authority, and I have in mind authorities therefore which have been classed and classed properly as municipal corporations.

Under the definition of corporation, under the same act, on page 8, paragraph 9, corporation means all corporate joint stock companies or associations and so forth, but shall not include municipal corporations. As I said a minute ago, under the definition of municipal corporation, authority is a part of it.

I repeat, Mr. President, it is necessary under this bill, as it has been amended, that municipal authorities apply for a certificate of public convenience, putting them in the same category as any other broker, any corporation or individual, notwithstanding the fact that municipal authorities are municipal corporations as defined. Why need they apply for a certificate of public convenience? The need has already been established if it is an existing utility. When they are ready to negotiate for the purchase of a public utility property, it is assumed that the utility property, being there and being operated, has already established need and is existing in the interest of the public, as is now brought out in this amendment on pages 14, 15 and 16. Otherwise they would never be operated.

If on the other hand the municipal authorities could exercise the right of eminent domain—and that right has

been denied them under the acts of 1935, 1937 and 1939, and the present bill as well—and had the right to condemn property or build duplicate equipment then I could see and appreciate the need for this clause providing for a certificate of public convenience, unless it is an absolutely new project. Then of course utilities operating in nearby localities would object and nothing could be done within thirty days and therefore the application would be rejected.

Further, as indicated above, there is no scientific method establishing a basis for determining the value of public utility property, whether it might be five, ten or fifteen years from now. How it is possible to either accept or reject an application for a certificate within thirty days is beyond me to explain. Personally, I think it is both physically and mentally impossible. Those of us who are familiar with rate making, cases can appreciate that it takes many years to gauge the value of public utility property.

Needless to say, Mr. President, the law as regards to fair value has been changed from time to time, it either having been based on reproduction costs, original costs or prudent investment. But as to the sale of public utility property, the common stock holders' return on their investment is the key factor in determining the price at which they will dispose of their property. However, for rate making purposes, the fair value of the property has no relation to the stockholders' earnings.

The Commission can reject a sale but can not compel it. True, it gives the seller the right to appeal, but there is no need for appeal if the price fixed by the Commission is not satisfactory to him. If the buyer and seller agree, Commission will only serve as a redundant factor. The Commission is asked to act purely in an advisory capacity, as it has no power to enforce its own determination of a fair selling price. Common stockholders alone have this power and the only means of bringing about a sale satisfactory to all parties is by negotiation.

It seems strange that in 1939, with a Democratic Commission, an amendment was passed to the Public Utility Laws, relieving the Public Utility Commission of jurisdiction of municipally owned utilities, and in the same year, an amendment was passed amending the Municipal Authority Act which gave rise to the Chester Water Works scandal. Now, with a Republican Commission, utilities, apparently are satisfied and they are willing to have the power of the Public Utility Commission increased so as to control acquisition of utility property by municipal authorities.

It appears to me that the utilities feel safer under the present Commission. It seems that expediency is the rule with them rather than the exception. They are not concerned in the least with the ultimate rate payer. Here we are, ready to extend the authority of the Public Utility Commission over the acquisition of public utility property by the municipal authorities, but there is no concern about the service and the rates.

Yes, the price paid by the municipal authority may have some bearing in determining the rate, but who is to have control over the service and the rates? It goes back to the municipal authorities. The answer is the municipal authority and not the Public Utility Commission. They are only concerned with acquisition, not with service, and service is the important thing, and rates to the ultimate rate payer as the years go on.

Another point, Mr. President, brought out is the fact that no salaries are to be paid the directors of the municipal authority, to more or less discourage directors from devoting their entire time and efforts to accomplish the purposes of the municipal authority. Let us distinguish between these cases and the salaries paid to the officers and directors of utilities. Again and again we learn of instances where very high salaries and sometimes exorbitant salaries are paid to officers of the utilities, and certainly that will reflect, those high salaries, in the rate base, in addition to the interest on the bonds, preferred and common stock as well.

I could go on further explaining the inconsistencies of some of these amendments. I feel that there are sufficient safeguards to prevent a recurrence of certain transactions, without any need for giving the Public Utility Commission control over the acquisition of public utility property by the municipal authorities.

Personally I feel that these amendments sound like the beginning of the end and the death knell of the municipal authorities is being sounded. Again and again these municipal authorities, at least their directors, when questioned and asked as to how their operations were, said very successful. Yes, there are instances where it has not gone right but that is true in municipalities as well.

This bill as it is has many safeguards that are sufficient in themselves and certainly there is no need for giving the Public Utility Commission control as to acquisition, but if we are going to give them control as to acquisition let us finish the job and give them control as to service and as to rates to protect the ultimate rate payer as well, but you are not concerned about that.

I concede, Mr. President, that the Chester Water Company case proves that the municipal authority set-up at times can be abused, but you do not burn down a house because of a few rats in it, and you should not destroy home rule—and these very amendments in the bill destroy home rule in a large measure—and the effectiveness of municipal authority bargaining for the chimerical hope that the Public Utility Commission will forever abolish treachery in the municipal affairs. By and large, the men running the municipal authorities are the substantial and trusted men of each community which set up the municipal authority, and they are not likely to be blinded by greed or temptation and you must not forget, Mr. President, that in Pennsylvania there are more mind you in Pennsylvania, there are more privately owned water works than in the rest of the United States put together; in other words, we have more privately owned water works in the State of Pennsylvania than in the other forty-seven states combined.

They have for years, in line with the general policy of private-owned utilities in the state mercilessly mulcted millions of dollars from the public, for a natural resource as abundant as air itself.

Municipalities recognizing this state of affairs, have been buying these companies and restoring them to the public where they belong, and operating them at rates the public could pay with contentment, without huge salaries to officers, directors and overstuffed profits to common stockholders.

Mr. President, I have been reliably informed that there are seventy such purchases being negotiated now, and nothing could show to better advantage the reason why

the municipal authorities were created and why they should not be forced to pay prices dictated by the Public Utility Commission or the utilities.

This bill was conceived in duplicity, with respect to pages 14, 15 and 16. I have the highest regard for the Senator from Montgomery, Mr. Edmonds, and the gentleman from Allegheny, Mr. Walker, and I do not think they would lend themselves to any such thing. However, I feel somebody may have misinformed them or not directed them properly.

This bill was spawned in bright daylight to fool and befuddle. If the municipal authority idea is sound leave it alone; if it is exploited on occasion for private gain, go after the exploiters but do not emasculate the act itself.

The Public Utility Commission has enough to do. Do not make the municipal authority act another expensive toy for it to play with. Do not make home rule home ruin. It is time to leave well enough alone.

Mr. President, I want to call your attention to page 14, at the bottom of the page, and page 15. I note that mention is made as to rate. Why is it that only a floor is put on the rates but not a ceiling? Protection is only had for the bondholders but not for the taxpayer and not for the ultimate rate payer. Yes, they may be able to determine their rates at the very outset, but can they enforce it after the deal is in effect? That is impossible under the present amendment.

Mr. President, I feel that there are many safeguards in this bill to protect the public. I do, however, feel with respect to the amendment dealing with giving the Public Utility Commission control as to acquisition, that should be stricken out.

And the question recurring.

Shall the bill pass finally?

(During the calling of the roll the following occurred.)

Mr. COLEMAN. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified.

The Clerk will call the names of those voting in the affirmative as follows:

Bartlett	Ealy	Mallery	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Heyburn,	Scarlett,	Walker,
Cox,	Homsher,	Shapiro,	Watkins,
Crider,	James,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Wilson, T. B.,
Detrick,	Letzler,	Tallman,	Woodward
			Ziesenheim,

The PRESIDENT. Are there any corrections? The Chair hears none.

The affirmative roll will stand as verified.

The Clerk will call the names of those voting in the negative as follows:

Barr,	DiSilvestro,	Jaspan,	Ruth,
Cavalcante,	Frey,	Lanius,	Stiefel,
Dent,	Haluska	McGinnis,	

The PRESIDENT. Are there any corrections? The Chair hears none.

The roll will stand as verified

Yeas—37; Nays—11.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

passed the same with amendment in which the concurrence of the House is requested.

YEAS—37

Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Heyburn,	Scarlett,	Walker,
Cox,	Homsher,	Shapiro,	Watkins,
Orider,	James,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Wilson, T. B.,
Deitrick,	Letzler,	Tallman,	Woodward,
			Ziesenheim,

NAYS—11

Barr,	DiSilvestro,	Jaspan,	Ruth,
Cavalcante,	Frey,	Lanius,	Stiefel,
Dent,	Haluska,	McGinnis,	

A majority of all the Senators having voted “aye” the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

RECESS

Mr. GELTZ. Mr. President, I move that Senate do now take a recess until 9:00 o'clock, p. m., E. S. T.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO TEMPORE (Charles H. Ealy).

The time of recess having elapsed the Senate will be in order.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 938, (House Bill No. 49), entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Geltz,	McGinnis,	Thomas,
Carr,	Haluska,	McQuiddy,	Wade,
Chapman,	Heyburn,	Miller,	Walker,
Coleman,	Homsher,	Mundy,	Watkins,
Cox,	James,	Ruth,	Wilson, H. I.,
Orider,	Jaspan,	Scarlett,	Wilson, T. B.,
Crowe,	Kephart,	Shapiro,	Ziesenheim,
Deitrick,	Lanius,	Snowden,	Ealy
Dent,	Letzler,	Stevenson,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted “aye” the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1191, (House Bill No. 361), entitled:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capital City.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Geltz,	McGinnis,	Thomas,
Carr,	Haluska,	McQuiddy,	Wade,
Chapman,	Heyburn,	Miller,	Walker,
Coleman,	Homsher,	Mundy,	Watkins,
Cox,	James,	Ruth,	Wilson, H. I.,
Orider,	Jaspan,	Scarlett,	Wilson, T. B.,
Crowe,	Kephart,	Shapiro,	Ziesenheim,
Deitrick,	Lanius,	Snowden,	Ealy,
Dent,	Letzler,	Stevenson,	Pres. Pro. Tem.
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted “aye” the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1210, (House Bill No. 1729), entitled:

An Act to further amend section seven of and to add section fourteen and one-tenth to the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106), entitled as amended “An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways” prohibiting the construction maintenance or operation of facilities, works and improvements for the generation or development of power and authorizing the Secretary of Highways and the various political subdivisions with the approval of the Water and Power Resources Board to grant easement and flowage rights to the Federal Government over certain highways roads streets bridges and adjacent lands.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. JASPAN. Mr. President, last week I listened very attentively to the remarks made by the gentleman from Clearfield, Senator Letzler, concerning the shortage and need for aluminum, and with that in mind he introduced a bill.

Having his thoughts in mind, I now call the attention of the Senate to the amendment on page 3, line 25, providing that "nothing contained in this act shall be construed to authorize the construction, maintenance or operation of any facilities, works or improvements for the development of water power." It is obvious that this provision has been inserted by the utility interests who are fearful that the water resources of our state may be utilized for the generation of electric power.

It is difficult to understand why, in our present national emergency, the utilities have not relaxed their efforts to prevent the utilization of our state's resources for the supply of a commodity so essential to our national welfare.

Flood control dams are so closely related to dams which can be utilized for the generation of electric power that it is highly questionable whether we can feasibly erect flood control dams for the protection of our property from the havoc of floods without seeking to recover some of the cost other than the generation of and sale of electric power. The nation is headed for a serious power shortage as a result of the acute international situation. The Federal Power Commission, in its recent reports to the President, has plainly indicated that Pennsylvania is faced with a serious power shortage within another year or two as a result of the large volume of defense production which has been allocated to this state.

Without power, not only will Pennsylvania be prevented from doing its share in manufacturing materials and equipment for our national defense, but our country will be severely handicapped. Furthermore, in the face of a acute shortage of power in this state, our federal government will hesitate to award contracts to our industries for the manufacture of additional supplies and equipment in this national emergency if there is no assurance of an adequate power supply. Such contracts will be awarded to the industries in other sections of the country and our state will thereby be deprived of the economical benefits which would naturally flow from such activity.

It is quite obvious that the utilities would rather see our state lose the contracts for the products of our own industries and even jeopardize our national defense effort than permit the utilization of our water resources for the supply of power, which is so vital in the present emergency.

We all know what the aluminum trust has already done to our national defense effort by the same short-sighted policy. A shortage of power will result in a far more serious situation. Such a provision, prohibiting the construction of facilities for the development of water power is definitely anti-American and is plainly a fifth-column provision to undermine the efforts of our country to preserve our present way of life.

The welfare of our nation transcends that of our vested

interests, but this provision manifestly places the welfare of the vested interests above that of our country. If the utilities are so concerned about preservation of their business, even to the extent of jeopardizing our national welfare, let us all show our patriotism by deleting this provision and removing any obstacle for the proper development of our state's resources as an integral part of our national wellbeing.

On this floor, in the name of patriotism, I have heard Senators Miller and DiSilvestro make speeches and introduce resolutions and bills. Their work in this regard can only receive the highest commendation. In so many words they have stated that our spirit is in our hearts and minds, in our devotion to our land, our liberties, our ideals, our hopes for ourselves and our children and mankind—all in the name of patriotism.

We are asked to make sacrifices and willingly respond, but unfortunately for us the utilities in this state have not responded.

May I read to you an article appearing in Sunday's Inquirer.

8 STATES ORDERED TO CUT POWER USE

Washington, June 29 (U. P.).—The Federal Power Commission declared existence of an electric power emergency in the southeastern United States tonight and called for immediate curtailment of street and ornamental lighting in the eight States affected.

Those States are Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Mississippi and Florida. The declaration gave the commission a basis for invoking emergency powers provided by the Federal Power Act.

Can Integrate Facilities

Under these powers the FPC can order an integration of power facilities to alleviate a shortage. The initial interconnections will be announced Tuesday, the commission said.

Simultaneously, Secretary of Interior Harold L. Ickes—who was warned of petroleum and power shortages—predicted a possible soft coal shortage next fall when defense demands are likely to overburden the railroads.

The critical power shortage in the Southeast was brought about, the commission said, by defense demands that exceeded expectations and by severe drought which curtailed seasonal power upon which aluminum and other defense industries were depending.

Production Imperiled

Production of strategic defense materials, particularly aluminum, will be impeded seriously unless immediate steps are taken to curtail all non-defense uses of electricity and to provide additional transmission interconnections to assure a wide availability of power, the commission added.

In addition to threatened transportation difficulties, Ickes said that experts in the Bituminous Coal Division had reported that "there is no guarantee that mine production capacity will be adequate to meet requirements for all grades and sizes of coal."

Isn't this sufficient evidence that there is need for co-operation on the part of everyone, including corporations and utilities?

Why should our government be hampered in any way? We should not hesitate in removing this amendment, particularly at the present time.

Mr. SHAPIRO. Mr. President, the proposed amendment to the 1936 act originated in the House, which was an amendment to give to the municipalities, with the consent

of the Water Board, the right in case of flood to allow certain waters to flow over the highways.

Now, Mr. President, when this bill came to the Senate, there was added to it the objectionable provision which is that none of the waters—certainly it does not mean waters flowing over the roads—but no waters shall be used for the purpose of generating current.

When this bill was passed in 1936, the Democratic side of the House made it their party policy to adopt a flood control bill, in view of the fact that, I think, very shortly before that time, the State of Pennsylvania had gone through a flood which had caused considerable damage. One of the issues in the passage of this bill was whether or not there should be a provision inserted in the law restricting it to flood control, and prohibiting the use of the waters arising from the reservation of water in reservoirs built for that purpose for electric power. Of course, Mr. President, the proposal of the Republicans to insert that amendment was defeated.

The very objection of the Republican Party at that time is now sought through the means of this bill. This amendment is certainly not germane to the terms of the bill, and it comes with bad grace at this time, and certainly with poor policy, to say nothing of bad politics, at a time, as has been pointed out by the gentleman from Philadelphia, when we all know that there is a shortage of current and as we go on there will be a continued shortage of current.

If you read the papers this morning and yesterday, the National Association of Manufacturers pointed out that there had been spent in 1940 for national defense \$1,700,000,000, and that the estimated amount to be spent in 1941 would be \$17,000,000,000. You can therefore assume that the amount of current that will be consumed this year, compared to last year, will be tremendous.

In view of that fact, it seems rather foolhardy for this Legislature at this time to restrict or prohibit in any way the acquisition of facilities or the use of available facilities for electric power generation, and under those circumstances, while we are in hearty accord with the purposes of the amendments, as the bill was introduced in the House, namely, to give to the government the right to flood roads and highways, we are certainly opposed to the amendment which is injected into the bill, nor necessary to accomplish the purposes for which this amendment was proposed or introduced in the House, and under those circumstances, I shall vote "no", and ask my colleagues to join with me.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Edmonds,	Scarlett,	Watkins,
Becker,	Farrell,	Snowden,	Wilson, H. I.,
Carr,	Heyburn,	Stevenson,	Wilson, T. B.,
Chapman,	Homsher,	Tallman,	Ziesenheim,
Crider,	James,	Tyler,	Ealy,
Crowe,	Kephart,	Wade,	Pres. Pro. Tem.
Detrick,	Letzler,	Walker,	

NAYS—15

Barr,	Frey,	Mallery,	Ruth,
Coleman,	Haluska,	McCreesh,	Shapiro,
Cox,	Jaspan,	McQuiddy,	Stiefel,
DiSilvestro,	Lanius,	Mundy,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Mr. MALLERY. I desire to explain my vote on this bill. I have been interested in flood control legislation for some time, and I know of no legislation that permits the use of flood dams or dams constructed for flood purposes, to be used for the generation of power. I may be wrong, but it seems to me there is no legislation of that kind on the statute books.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1212, (House Bill No. 1760), entitled:

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal, directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employes and expend funds; and making an appropriation.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Farrell,	Mallery,	Tallman,
Bartlett,	Frey,	McCreesh,	Tyler,
Becker,	Geltz,	McGinnis,	Wade,
Carr,	Haluska,	McQuiddy,	Walker,
Chapman,	Heyburn,	Mundy,	Watkins,
Coleman,	Homsher,	Ruth,	Wilson, H. I.,
Cox,	James,	Scarlett,	Wilson, T. B.,
Crider,	Jaspan,	Shapiro,	Ziesenheim,
Crowe,	Kephart,	Snowden,	Ealy,
DiSilvestro,	Lanius,	Stevenson,	Pres. Pro. Tem.
Edmonds,	Letzler,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1231, (House Bill No. 1466), entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for

violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the procedure for and regulating voting in elections by persons in actual military service conferring powers and imposing duties upon the Secretary of the Commonwealth courts county boards of elections and county commissioners providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Farrell,	Mallery,	Tallman,
Bartlett,	Frey,	McCreesh,	Tyler,
Becker,	Geltz,	McGinnis,	Wade,
Carr,	Haluska,	McQuiddy,	Walker,
Chapman,	Heyburn,	Mundy,	Watkins,
Coleman,	Homsher,	Ruth,	Wilson, H. I.,
Cox,	James,	Scarlett,	Wilson, T. B.,
Crider,	Jaspan,	Shapiro,	Ziesenheim,
Crowe,	Kephart,	Snowden,	Ealy,
DiSilvestro,	Lanius,	Stevenson,	Pres. Pro. Tem.
Edmonds,	Letzler,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1265, (House Bill No. 1465), entitled:

An Act to amend the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Farrell,	Mallery,	Tallman,
Bartlett,	Frey,	McCreesh,	Tyler,
Becker,	Geltz,	McGinnis,	Wade,
Carr,	Haluska,	McQuiddy,	Walker,
Chapman,	Heyburn,	Mundy,	Watkins,
Coleman,	Homsher,	Ruth,	Wilson, H. I.,
Cox,	James,	Scarlett,	Wilson, T. B.,
Crider,	Jaspan,	Shapiro,	Ziesenheim,
Crowe,	Kephart,	Snowden,	Ealy,
DiSilvestro,	Lanius,	Stevenson,	Pres. Pro. Tem.
Edmonds,	Letzler,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1281, entitled:

A Joint Resoution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. COLEMAN. Rather hurriedly, Mr. President, I desire to call the attention of the members of the Senate to the fact that this is a tremendously important bill. This is another attempt on the part of the gentleman from Philadelphia to tamper with the basic structure of the Constitution of the Commonwealth, and this bill, had it been in effect, or had it passed two sessions of the Legislature and been voted on by the people of the Commonwealth and approved, and had it become a part of the basic law of the Commonwealth, the vast construction work done by the General State Authority would have been, of course, but an idle dream.

Mr. President, this is a bill that abolishes all existing authorities in the Commonwealth just as soon as they have liquidated their affairs, and it prevents the creation of any future authorities. I think this is a very bad bill and I think the members of the Senate ought to vote it down. I propose for one to vote against it, and I think anybody else who has the interest of the Commonwealth at heart ought to follow me in that vote.

Mr. SHAPIRO. Mr. President, if this were an act instead of a proposed constitutional amendment, I am quite sure the gentleman from Montgomery, Mr. Edmonds, in view of his statements concerning authorities on the floor of this Senate, would find himself in a position where he could not vote for this bill, because he would not only belie what he has said, but this would also prevent the building of an Executive Mansion, which is now, I understand, a new project to be built by the State Authority.

Not only that, as has been pointed out, but this is a bill which says that never, never shall the Commonwealth of Pennsylvania engage in that kind of work which could only have been accomplished in the last five or six years through the medium of the Authority, and once you make a proposal of that kind, I think you are trying to legislate a little too far ahead.

I agree with the gentleman who previously spoke, that his bill ought to be voted down.

Mr. EDMONDS. Mr. President, in order to satisfy the anxiety of the Senator from Philadelphia, I will say to him that I expect to vote for this amendment and vote for it with very great hearty good will. This amendment says no to a practice of very unusual financing, which may have won the temporary approval of the Supreme Court, but is opposed to the sense of thrift and repugnant to the mass of the people. I think the gentleman from Philadelphia, Senator Woodward, is trying to bring our finances in the state into harmony with the way in which we try to run our personal finances, and I think in so doing he deserves our hearty support. So personally I shall vote for the amendments.

And the question recurring,

Will the Senate agree to the bill?

(During the calling of the roll the following occurred.)

Mr. SHAPIRO. Mr. President, I ask for a verification of the roll.

Mr. COLEMAN. Mr. President, before the roll is verified, if the gentleman from Philadelphia will yield for just a moment, I believe I heard a rather feeble voice answer "aye" in contrast with the usual stentorian voice of the gentleman from Luzerne, Mr. Miller.

Mr. President, I desire to know how the gentleman from Luzerne, Mr. Miller, is recorded as having voted.

The PRESIDENT. The Chair is informed that the Senator from Luzerne, Mr. Miller, is not recorded.

Mr. THOMAS B. WILSON. Mr. President, for the information of the gentleman from Lackawanna, there was no answer to Senator Miller's name.

The PRESIDENT. There has been a request for a verification of the roll.

Mr. SHAPIRO. Yes, Mr. President, I made that request.

Mr. COLEMAN. Mr. President, may I just make a brief explanation? At the time that Senator Miller's name was called, it may or may not have been a coincidence, but somebody said "aye", and I assumed that the record clerk may have recorded him as voting "aye" in error.

Mr. DEITRICK. Mr. President, I desire to be recorded as voting "aye".

The PRESIDENT. The vote of the gentleman from Northumberland will be so recorded.

Mr. SHAPIRO. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified.

The Clerk read the names of those voting in the affirmative as follows:

Bartlett,	Edmonds,	Mallery,	Watkins,
Becker,	Farrell,	Snowden,	Wilson, H. I.,
Carr,	Geltz,	Stevenson,	Wilson, T. B.,
Chapman,	Heyburn,	Tallman,	Ziesenheim,
Crider,	Homsher,	Tyler,	Ealy,
Crowe,	Kephart,	Wade,	Pres. Pro. Tem.
Deitrick,	Letzler,	Walker,	

The PRESIDENT. Are there any corrections? The Chair hears none.

The affirmative vote will stand as verified.

The Clerk read the names of those voting in the negative as follows:

Barr,	Frey,	Lanius,	Mundy,
Coleman,	Haluska,	McCreesh,	Ruth,
Cox,	James,	McGinnis,	Scarlett,
DiSilvestro,	Jaspan,	McQuiddy,	Shapiro,
			Stiefel,

The PRESIDENT. Are there any corrections? The Chair hears none.

The negative vote will stand as verified.

Yeas—26; Nays—17.

And the question recurring,

Will the Senate agree to the bill?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Edmonds,	Mallery,	Watkins,
Becker,	Farrell,	Snowden,	Wilson, H. I.,
Carr,	Geltz,	Stevenson,	Wilson, T. B.,
Chapman,	Heyburn,	Tallman,	Ziesenheim,
Crider,	Homsher,	Tyler,	Ealy,
Crowe,	Kephart,	Wade,	Pres. Pro. Tem.
Deitrick,	Letzler,	Walker,	

NAYS—17

Barr,	Haluska,	McCreesh,	Ruth,
Coleman,	James,	McGinnis,	Scarlett,
Cox,	Jaspan,	McQuiddy,	Shapiro,
DiSilvestro,	Lanius,	Mundy,	Stiefel,
Frey,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1282, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college and making an appropriation.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Edmonds,	Letzler,	Stiefel,
Bartlett,	Farrell,	Mallery,	Tallmad,
Becker,	Frey,	McCreesh,	Tyler,
Carr,	Geltz,	McGinnis,	Wade,
Chapman,	Haluska,	McQuiddy,	Walker,
Coleman,	Heyburn,	Mundy,	Watkins,
Cox,	Homsher,	Ruth,	Wilson, H. I.,
Crider,	James,	Scarlett,	Wilson, T. B.,
Crowe,	Jaspan,	Shapiro,	Ziesenheim,
Deitrick,	Kephart,	Snowden,	Ealy,
DiSilvestro,	Lanius,	Stevenson,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 229, as follows:

An Act creating a commission to make a study and investigation of the laws governing and the practical operation of the parole and penal system of this Commonwealth and other parole and penal systems defining its powers and duties and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There is hereby created a commission which shall be composed of the Lieutenant-Governor the Secretary of the Commonwealth the Attorney General and the Secretary of Internal Affairs whose duty it shall be to make a study and investigation of the laws governing and the practical operation of the commutation and parole system administered by this Commonwealth and other commutation and parole systems to examine the administrative practices in the several penal and correctional institutions in the State to study procedure relative to the transfer and retransfer of inmates to and from the institutions to survey the present facilities for rehabilitation and custody of such inmates in the light of their physical mental social and vocational requirements to study the effect of the penal code and the laws of criminal procedure on the rehabilitation of criminals and the protection of society to determine the need for psychiatric and social services to the courts penal and correctional institutions and to make report of its findings and recommendations to the Governor and to the General Assembly not later than the first Tuesday of January one thousand nine hundred and forty-three

Section 2 The members of the commission shall organize immediately after the approval of this act and elect a chairman The members of the commission shall receive no additional compensation for their services hereunder but shall be allowed their expenses necessarily incurred in connection therewith The commission may employ and fix the compensation of on a fulltime or part-time basis such counsel experts clerks and assistants whether or not already employed by the Commonwealth at a fixed compensation as may be deemed necessary for the proper conduct of the work of the commission

Section 3 The sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of its members in connection with the work required hereby and for the payment of the compensation and expenses of counsel experts clerks and assistants for postage telegraph and telephone charges for witness fees allowed by the commission for supplies and printing and for all other expenses deemed necessary and proper by the commission

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett, Edmonds, Letzler, Wade.

Becker,
Carr,
Chapman,
Crider,
Crowe,
Deltrick,

Farrell,
Geitz,
Heyburn,
Homsher,
James,
Kephart,

Mallery,
Scarlett,
Snowden,
Stevenson,
Tailman,
Tyler,

Walker,
Watkins,
Wilson, H. f.,
Wilson, T. B.,
Ziesenheim,
Ealy,
Pres. Pro. Tem.

NAYS—14

Barr,
Coleman,
Cox,
DiSilvestro,

Frey,
Haluska,
Jaspan,
Lanius,

McCreesh,
McGinnis,
McQuiddy,

Mundy,
Ruth,
Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. SHAPIRO. Mr. President, I think this bill we have just acted upon is of sufficient importance for me to register my reasons for voting "no."

The PRESIDENT PRO TEMPORE. The gentleman from Philadelphia will proceed.

Mr. SHAPIRO. Mr. President, in the 1939 session, after a thorough investigation by all persons who had any interest and who had any experience in the parole system—I would not say all, but a majority of the people—we passed a bill in the Senate and in the House changing our parole system and creating a parole commission. We sat here in committee and listened to some of the most intelligent discussions on the bill I have had the pleasure of listening to since I have been a member of this body, and they were discussions by men who knew, men who had made this their life work.

The parole system in the Commonwealth of Pennsylvania, particularly in many of the counties, is atrocious, reprehensible and dangerous. Criminals are allowed at large who should be in jail, just because they have received a minimum sentence and the minimum sentence has expired; others are kept in jail, just because they have been given a sentence by a judge who may not have been feeling well on the particular morning, or he did not understand all of the circumstances, or to whom the facts were not properly presented, and yet we allow that condition to go on, in spite of the fact that we have heard from men who know this work. We had a commission appointed. I think Judge Gordon, of Philadelphia, made a special study along with other members of the judiciary. We had a bill presented and we had it passed by both Houses, and it was vetoed only because there was no appropriation to carry out the purposes of the bill.

In this session of the Legislature the House has passed a bill and it is my impression that bill is in a committee in the Senate. There is an appropriation provided for. I understand the Governor has expressed his agreement. It is only a question of the amount of the appropriation, and now, after all of that, we are asked to pass a bill creating another committee to investigate that which has already been thoroughly investigated by people who are experienced, capable and understanding, and it is because of that, and because I think it is a waste of time and money, and because I think it is criminal negligence on our part to delay this matter which requires correction, and correction now, that I voted against this bill.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent

that Senate Bill No. 288, (House Bill No. 183), on third reading, entitled:

An Act to amend section seven hundred two and to further amend section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the establishment and maintenance of fire hydrants and fire hydrant water service and the levy of a special tax therefor with the assent of electors

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 582, (House Bill No. 639), as follows:

An Act requiring the Department of Property and Supplies with the approval of the Department of Military Affairs to complete and thereafter maintain "The Twenty-eighth Division Shrine" at Boalsburg Centre County dedicating the same to the officers and men of the Twenty-eighth Division and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies is hereby directed subject to the approval of the Department of Military Affairs to complete and thereafter maintain the shrine erected by the officers of the Twenty-eighth Division on property at Boalsburg Centre County Pennsylvania now owned by the Commonwealth which shall hereafter be known as the "Twenty-eighth Division Shrine" and is hereby dedicated to honor the officers and men of the Twenty-eighth Division who served in the World War of 1917-1918 and the officers and men of the Twenty-eighth Division who in the future may serve the State and Country in combat with any enemy of the United States of America

Section 2 The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the two fiscal years beginning June first one thousand nine hundred and forty-one for the payment of salaries wages or other compensation of such superintendent guards and workmen as may be necessary for the completion care preservation and maintenance of The Twenty-eighth Division Shrine for the necessary cost of materials freight fertilizers seeds and other supplies for plowing and mowing for the purchase of trees and shrubs and for the planting of the same for the construction and improvement of roads and parking areas within the property and for such other purposes in connection with the same as shall be deemed proper

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,
Bartlett,
Becker,
Carr,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deitrick,
DiSilvestro,

Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,
Lantus,

Letzler,
Mallery,
McCreesh,
McGinnis,
McQuiddy,
Mundy,
Ruth,
Scarlett,
Shapiro,
Snowden,
Stevenson,

Stiefel,
Tallman,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Ziesenheim,
Ealy,
Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 695, (House Bill No. 1176), as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eight million five hundred thousand dollars (\$8,500,000) is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred forty-two out of the Motor License Fund for allocation to and expenditures in the townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this act

Section 2 The moneys hereby appropriated shall be allocated and apportioned among the second class townships of this Commonwealth in the ratio which the mileage of township roads in each township of the second class bears to the total mileage of township roads in all of the townships of the second class in the Commonwealth as of January first one thousand nine hundred forty-two

The funds so apportioned shall be expended by the township supervisors of each township Under the supervision and subject to the approval of the Department of Highways and in compliance with such rules and regulations which the Department of Highways may prescribe in carrying out the provisions of this act and shall be used for the maintenance construction reconstruction resurfacing and improvement of township roads and the maintenance construction and reconstruction of township bridges in townships of the second class excepting that in townships which do not have sufficient funds from other sources for the maintenance and repair of all the roads and bridges under their jurisdiction the allocation to such townships shall be used in whole or in part for such maintenance and repair purposes

Section 3 Nothing in this act shall be construed to relieve any of the second class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred forty-two for the construction or

repair of any highway or structure now under their jurisdiction

Section 4 The supervisors of each township shall appoint a foreman who may be a member of the board of supervisors to supervise the work to be done under the provisions of this act and in the event more than one foreman is required the Department of Highways may authorize the supervisors to appoint one or more additional foremen The Secretary of Highways shall have the right to remove any foreman so appointed for incompetency or for neglect or refusal to comply with the rules and regulations of the Department of Highways prescribed for the work under this act Said supervisors shall also employ any laborers required for said work and fix their wages

Nothing herein contained shall be construed to prevent work under the act being done by contract let by the township supervisors

Section 5 No payment shall be made from moneys allocated under this act to the townships of the second class except on warrants drawn by the Auditor General upon the State Treasurer as provided by the act of Assembly to the treasurer of the board of supervisors on vouchers approved by the Secretary of Highways and such payment if approved by the Secretary of Highways shall be made in four equal installments payable the first day of March the first day of June the first day of September and the first day of December of each year

There shall be submitted to the Department of Highways by the board of township supervisors a report on the last days of May August and December of each year showing the cost of the work done under the provisions of this act in such detail as may be required by the Department of Highways In case any records or reports required by law are not made in the manner or at the time required no further funds shall be paid by the Secretary of Highways to such township until such reports have been made and approved

Nothing in this act shall be construed to permit the funds appropriated by the act to be paid for other than labor rental of equipment payrolls material purchases including repair parts for equipment small tools road drags and snow fence on road and bridge work performed by the townships under the provisions of this act

Nothing herein contained shall be construed to prevent the use of any of the funds allocated under this act for Federal projects sponsored by the townships or for county-aid work relating to the improvement of roads and bridges

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Edmonds,	Letzler,	Stiefel,
Bartlett,	Farrell,	Mallery,	Tallman,
Becker,	Frey,	McCreesh,	Tyler,
Carr,	Geltz,	McGinnis,	Wade,
Chapman,	Haluska,	McQuiddy,	Walker,
Coleman,	Heyburn,	Mundy,	Watkins,
Cox,	Homsher,	Ruth,	Wilson, H. I.,
Cridger,	James,	Scarlett,	Wilson, T. B.,
Crowe,	Jaspan,	Shapiro,	Ziesenheim,
Detrick,	Kephart,	Snowden,	Ealy,
DiSilvestro,	Lanius,	Stevenson,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 700, (House Bill No. 99), on third reading, entitled:

An Act to amend sections one and two of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities," by exempting certain clubs from such limitation and by providing that retail dispenser's licenses may be exchanged or surrendered for liquor licenses without violating the limits upon the number of licenses imposed by such act; and authorizing the Pennsylvania Liquor Control Board to effect exchange or substitution upon compliance with certain conditions

go over in its order.

The PRESIDENT. Is there objection?

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. HALUSKA. Mr. President, will the gentleman from Allegheny tell me why this bill is once again going over in order?

Mr. GELTZ. Mr. President, for the reason it is necessary to have the amendments thoroughly checked.

Mr. HALUSKA. Mr. President, is it not a fact that these amendments have been placed in this bill for the last two weeks?

Mr. GELTZ. No, Mr. President, that is not correct, and I think our colleague from Cambria County knows that is not a fact.

Mr. HALUSKA. I think it is a fact, Mr. President.

Mr. GELTZ. That is a difference of opinion.

Mr. HALUSKA. Mr. President, this is a very important bill, and if the gentleman from Allegheny wishes to study the bill further, I have no objection, of course, but I do think the bill should be acted upon within the next day or so, because it is an important bill, affecting a great many persons.

The amendments were inserted or were placed in the bill at least the early part of last week, and I think each and every one of my colleagues has had opportunity to study the amendments. However, I am willing to let it go over in order for another day or so, but certainly I hope we will get some action on it tomorrow or the next day.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 739, as follows:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in restoring and maintaining the original valley forge at Valley Forge Park

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the use of the Valley Forge Park Commission in restoring the recently discovered original valley forge and for the care preservation protection and maintenance of the same

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. JASPAN. Mr. President, I desire to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. With great pleasure, Mr. President, if the gentleman will be audible.

Mr. JASPAN. Mr. President, I desire to know whose land is involved in this particular bill.

Mr. EDMONDS. Mr. President, this is the land of the state, at Valley Forge Park.

Mr. JASPAN. And it only involves land of the state, Mr. President—is that correct?

Mr. EDMONDS. Exactly, Mr. President. Where Valley Creek runs into the Schuylkill, a part of the park, they discovered a year or so ago the original site of the Valley Forge that gave its name to the park, and what we want is to purchase a good deal of wood work and some machinery there that has been wasting away, through the elements for a great many years. They want that protected and that is the object of this appropriation.

Mr. JASPAN. Mr. President, I desire to know to whom this appropriation is to be made.

Mr. EDMONDS. The appropriation is to be made to the Department of Forests and Waters, Game and Fish.

Mr. JASPAN. To whom is it to be made?

Mr. EDMONDS. The Department of Forests and Waters, Game and Fish, for the use of the Park in restoring the old forge.

Mr. STIEFEL. Mr. President, on April 18, a group of Senators visited this locality and were very much impressed by the magnitude of the task undertaken at Valley Forge, and I believe it is our duty, and the duty of each Pennsylvanian and American to vote for this great measure, because I believe the restoration of the original forge will inure to the benefit of the citizens of Pennsylvania.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Edmonds,	Letzler,	Stiefel,
Bartlett,	Farrell,	Mallery,	Taliman,
Becker,	Frey,	McCreesh,	Tyler,

Carr,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deltrick,
DiSilvestro,

Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,
Lanlus,

McGinnis,
McQuiddy,
Mundy,
Ruth,
Scarlett,
Shapiro,
Snowden,
Stevenson,

Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Ziesenheim,
Ealy,
Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 861, (House Bill No. 1036), as follows:

An Act to amend subsection (b) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans court in connection therewith and the fees therefor" by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent the natural parent shall retain his or her status as such and shall for purposes of inheritance and devolution be regarded as an adopting parent The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans court in connection therewith and the fees therefor" is hereby amended to read as follows

Section 16

* * * *

(b) The person adopted shall for all purposes of inheritance and taking by devolution be a member of the family of the adopting parent or parents The adoptive relatives of the person adopted shall be entitled to inherit and take from and through such person to the exclusion of his or her natural parents grandparents and collateral relatives but the surviving spouse of such adopted person and the children and descendants of such adopted person shall have all his her and their respective rights under this act Adopted persons shall not be entitled to inherit or take from or through their natural parents grandparents or collateral relatives but each adopted person shall have all his or her rights under this act in the estates of his or her spouse children and descendants Provided That in cases where a natural parent having a child legitimate or illegitimate has thereafter intermarried or shall hereafter intermarry with another and such other spouse adopts the child of the natural parent the natural parent shall retain his or her prior status and for purposes of inheritance and devolution the adopted child and the natural parent shall be entitled to take from and through the other and be regarded in law as the heir of the other

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Edmonds,	Letzler,	Stiefel,
Bartlett,	Farrell,	Mallery,	Tallman,
Becker,	Frey,	McCreesh,	Tyler,
Carr,	Geltz,	McGinnis,	Wade,
Chapman,	Haluska,	McQuiddy,	Walker,
Coleman,	Heyburn,	Mundy,	Watkins,
Cox,	Homsher,	Ruth,	Wilson, H. I.,
Crider,	James,	Scarlett,	Wilson, T. B.,
Crowe,	Jaspan,	Shapiro,	Ziesenheim,
Detrick,	Kephart,	Snowden,	Ealy,
DiSilvestro,	Lanius,	Stevenson,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 932, as follows:

An Act to further amend section eight hundred and six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by changing and restricting the right of the Commonwealth to impose interest on unpaid tax and bonus when such tax and bonus are not settled within a certain period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight hundred and six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from

the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the act approved the second day of February one thousand nine hundred and thirty-seven (P. L. 3) is hereby further amended to read as follows

Section 806 Interest on Taxes and Bonus Due the Commonwealth All tax and bonus due the Commonwealth as provided by law shall bear interest at the rate of six per centum per annum from the date they are due and payable until sixty (60) days after approval of the settlement [and thereafter at the rate of twelve (12) per centum per annum until paid except] by the Department of the Auditor General or until the expiration of twelve (12) months after the tax or bonus report was made or ought to have been made whichever shall be sooner in time In cases where the period of sixty (60) days after the approval of any settlement shall not expire until after the expiration of such twelve (12) month period no interest whatsoever shall be imposed for the period between the end of such twelve (12) month period and the expiration of said period of sixty (60) days after approval of the settlement All such tax and bonus shall bear interest at the rate of twelve (12) per centum per annum from sixty (60) days after approval of the settlement until paid Except that any taxes or bonus due as a result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six (6) per centum per annum from the date such tax is due and payable until paid and except further that interest at the rate of 12 per cent shall not apply until 60 days after final settlement of Corporate Net Income Taxes The payment of interest as aforesaid shall not relieve any person association or corporation from any of the penalties or commissions prescribed by law for neglect or refusal to furnish reports to the Department of Revenue or to pay any claim due to the Commonwealth from such person association or corporation

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Farrell,	Miller,	Wade,
Becker,	Geltz,	Scarlett,	Walker,
Carr,	Heyburn,	Snowden,	Watkins,
Chapman,	Homsher,	Stevenson,	Wilson, H. I.,
Crider,	James,	Tallman,	Wilson, T. B.,
Crowe,	Kephart,	Taylor,	Ziesenheim,
Detrick,	Letzler,	Thomas,	Ealy,
Edmonds,	Mallery,	Tyler,	Pres. Pro. Tem.

NAYS—14

Barr,	Haluska,	McGinnis,	Ruth,
Coleman,	Jaspan,	McQuiddy,	Shapiro,
Cox,	Lanius,	Mundy,	Stiefel,
Frey,	McCreesh,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 933, as follows:

An Act to further amend clause (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" further regulating refunds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the act approved the seventh day of June one thousand nine hundred and thirty-five (P. L. 283) is hereby further amended to read as follows

Section 503 Refunds of State Taxes License Fees Et Cetera The Board of Finance and Revenue shall have the power and its duty shall be

(a) To hear and determine any petition for the refund of taxes license fees penalties fines bonus or other moneys paid to the Commonwealth and to which the Commonwealth is not rightfully or equitably entitled and upon the allowance of any such petition to refund such taxes license fees penalties fines bonus or other moneys out of any appropriation or appropriations made for the purpose

or to credit the account of the person association corporation body politic or public officer entitled to the refund The power of the Board of Finance and Revenue to hear and determine a petition for refund as aforesaid shall not be affected or limited by the fact that appeal proceedings involving the same moneys for which a refund is sought are pending or have been closed provided such appeal proceedings relate to other issues than those raised in the petition for refund All such petitions must be filed with the board within two years of the payment of which refund is requested except

(1) Where a petition for refund filed by a domestic or foreign corporation involves the valuation of its capital stock or in case of a foreign corporation the valuation of its tangible property for bonus purposes or where a petition for refund filed by a bank title insurance or trust company involves the valuation of its shares of stock such petition must be filed with the board within one year of the payment of which refund is requested

(2) When the estate upon which any transfer inheritance tax has been paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an overvaluation of that portion of the estate on which the tax has been assessed and paid which overvaluation could not have been ascertained within said period of two years In such case the application for repayment shall be made to the Board of Finance and Revenue within one year from the termination of such litigation or ascertainment of such overvaluation

(3) When a court of record has adjudged a person to be legally dead and thereafter in the settlement of his or her estate a transfer inheritance tax shall have been paid on such estate and after such payment has been made such person shall reappear and the court shall rescind its order and adjudication In such case the petition to the board shall be filed within six months after the court shall have rescinded its order and adjudication

(4) When any tax or other money has been paid to the Commonwealth under a provision of an act of Assembly subsequently held by the court of final jurisdiction to be unconstitutional or under an interpretation of such provision subsequently held by such court to be erroneous A court of final jurisdiction within the meaning of the foregoing provision shall be deemed that court which last passed upon the question involved in a decision from which the right of appeal if any has been lost In such case the petition to the board shall be filed within five years of the payment of which a refund is requested But the limitation of five years herein prescribed shall not be deemed to apply in the case of applications for refunds of taxes paid on liquid fuels by political subdivisions prior to the effective date of this amendment where by court decision it has been held that the collection of such tax was erroneous and without authority of law if application for such refunds shall be made within two years after the effective date of this amendment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,
Becker,
Carr,
Chapman,
Crider,
Crowe,
Deitrick,
Edmonds,

Farrell,
Geltz,
Heyburn,
Homsher,
James,
Kephart,
Letzler,
Mallery,

Miller,
Scarlett,
Snowden,
Stevenson,
Tallman,
Taylor,
Thomas,
Tyler,

Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Zlesenheim,
Ealy,
Pres. Pro. Tem.

NAYS—14

Barr,	Frey,	McGinnis,	Ruth,
Coleman,	Haluska,	McQuiddy,	Shapiro,
Cox,	Jaspan,	Mundy,	Stiefel,
DiSilvestro,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 940, (House Bill No. 266), as follows:

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of two hundred and eighty-five thousand dollars (\$285,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to The Glen Mills School situate in Delaware County Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred forty-one for the purpose of maintenance

And said bill having been read at length the third On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Tallman,
Bartlett,	Farrell,	Mallery,	Taylor,
Becker,	Frey,	McCreesh,	Thomas,
Carr,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Detrick,	Kephart,	Snowden,	Ziesenheim,
DiSilvestro,	Lanius,	Stevenson,	Ealy,
		Stiefel,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 946, (House Bill No. 301), as follows:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred and seventy thousand dollars (\$270,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to Sleighton Farm School for Girls situate in Delaware County Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred forty-one for the purpose of maintenance.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Tallman,
Bartlett,	Farrell,	Mallery,	Taylor,
Becker,	Frey,	McCreesh,	Thomas,
Carr,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Detrick,	Kephart,	Snowden,	Ziesenheim,
DiSilvestro,	Lanius,	Stevenson,	Ealy,
		Stiefel,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 954, (House Bill No. 371), as follows:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thousand dollar (\$100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the use of the Valley Forge Park Commission in the payment of lands acquired by condemnation under authority duly granted by law and for which payment has not been made No part of the money hereby appropriated shall be used for acquiring lands in addition to those heretofore lawfully purchased or taken by condemnation

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Will the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Tallman,
Bartlett,	Farrell,	Mallery,	Taylor,
Becker,	Frey,	McCreesh,	Thomas,
Carr,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Detrick,	Kephart,	Snowden,	Ziesenheim,
DiSilvestro,	Lanius,	Stevenson,	Ealy,
		Stiefel,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 956, (House Bill No. 489), as follows:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School of Medicine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million three hundred fifty thousand (\$1,350,000) dollars or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pittsburgh for the two fiscal years beginning June first one thousand nine hundred and forty-one for the general maintenance of the University of Pittsburgh and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the University of Pittsburgh including maintenance of teaching facilities in hospitals for students in the School of Medicine of the University of Pittsburgh including the Maternity Dispensary and other dispensaries

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Tallman,
Bartlett,	Farrell,	Mallery,	Taylor,
Becker,	Frey,	McCreesh,	Thomas,
Carr,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Japan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Ziesenheim,
DiSilvestro,	Lanius,	Stevenson,	Ealy,
		Stiefel,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 973, (House Bill No. 1130), as follows:

An Act making an appropriation to the Department of Commerce towards expenses of the National Encampment of Veterans of Foreign Wars in Philadelphia

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten thousand dollars (\$10,000) is hereby specifically appropriated to the Department of Commerce of the Commonwealth of Pennsylvania to help defray the necessary costs and expenses of the National Encampment of Veterans of Foreign Wars to be held in this Commonwealth in the City of Philadelphia during the week beginning the twenty-fourth day of August one thousand nine hundred forty-one

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Taylor,
Bartlett,	Farrell,	Mallery,	Thomas,
Becker,	Frey,	McCreesh,	Tyler,
Carr,	Geltz,	McGinnis,	Wade,
Chapman,	Haluska,	McQuiddy,	Walker,
Coleman,	Heyburn,	Mundy,	Watkins,
Cox,	Homsher,	Ruth,	Wilson, H. I.,
Crider,	James,	Scarlett,	Wilson, T. B.,
Crowe,	Japan,	Shapiro,	Woodward,
Deitrick,	Kephart,	Snowden,	Ziesenheim,
DiSilvestro,	Lanius,	Stiefel,	Ealy,
		Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1036, (House Bill No. 1526) on third reading, entitled:

An Act to amend section two hundred seven of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising, consolidating and changing the law relating thereto" further prescribing method by which second class townships may be classified as first class townships and providing for the costs and holding of special elections for that purpose

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1043, (House Bill No. 571), on third reading; entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COX. Mr. President, I ask unanimous consent that Senate Bill No. 1086, on third reading, entitled:

An Act relating to elective public offices, the incumbents

of which are required by act of Congress to enter military or naval service providing that such offices shall not be considered vacant or the incumbents thereof disqualified by reason of such call to military or naval service, making provisions for certain deputies, assistants or substitutes to perform the functions of such office during the period of such military or naval service or until the terms of office have ended; prescribing the qualifications, powers, duties, liabilities and compensation of such deputies, assistants or substitutes; and defining the extent and effect of said act upon the various incidents of such office including incompatibility, vacancy, compensation, term, misconduct, removal and holding over

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1151, (House Bill No. 1488), as follows:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States during a national emergency under licenses or registrations issued by the Department of Public Instruction and brokers licenses issued by the Department of Insurance to practice professions or to work at trades or occupations and providing for renewals after discharge from such service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any person licensed by the Department of Public Instruction or to whom a broker's license has been issued by the Department of Insurance to practice any profession or to work at any trade or occupation who heretofore has or shall hereafter enlist or be inducted or drafted into the military or naval service of the United States in time of war or preparation for national defense during a national emergency shall not thereby forfeit his or her current license or registration Any such person upon presentation of a discharge from such service within one year from date thereof and upon payment of the fee prescribed by law for the current renewal period only shall be entitled to a renewal of his or her license or registration in the same manner as though such renewal had been made prior to the expiration of his or her last preceding renewal and as though all intermediate renewal fees had been paid

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Tallman,
Bartlett,	Farrell,	Mallery,	Taylor,
Becker,	Frey,	McCreesh,	Thomas,
Carr,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Ruth,	Watkins,

Crider,
Crowe,
Deitrick,
DiSilvestro,

James,
Jaspan,
Kephart,
Lanius,

Scarlett,
Shapiro,
Snowden,
Stevenson,
Stiefel,

Wilson, H. I.,
Wilson, T. B.,
Ziesenheim,
Ealy,
Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1156, (House Bill No. 1529), as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing additional routes to be used as a part of the national defense program in the County of Cambria

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the township roads adopted as State highways in the County of Cambria by the act to which this is a supplement the following sections of township road in said county connecting the Johnstown Municipal Airport which is included as a part of the national defense program with existing State highways are hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement

Beginning at a point on Route 276 near the Cone-maugh-Richland Township line thence in a southerly and southeasterly direction through Richland Township to a point on Route 11012 near Sandy Run in Cambria County a distance of about 1.7 miles

Beginning at a point on Route 11012 about 2.0 miles east of its intersection with the Conemaugh-Richland Township line thence in a northeasterly direction through Richland Township to a road intersection in Cambria County a distance of about 0.9 of a mile

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Farrell,	Mallery,	Tallman,
Bartlett,	Frey,	McCreesh,	Taylor,
Becker,	Geltz,	McGinnis,	Thomas,
Carr,	Haluska,	McQuiddy,	Tyler,
Chapman,	Heyburn,	Mundy,	Wade,
Coleman,	Homsher,	Ruth,	Walker,
Cox,	James,	Scarlett,	Watkins,
Crider,	Jaspan,	Shapiro,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Wilson, T. B.,

Deitrick, DiSilvestro, Edmonds,	Lanlus, Letzler,	Stevenson, Stiefel,	Ziesenheim, Ealy, Pres. Pro. Tem.
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NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1158, (House Bill No. 1542), as follows:

An Act to amend Route 55121 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing a route in the County of Somerset

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Route 55121 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" which route was added by section two of the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 806) is hereby amended to read as follows

Route 55121 Beginning at a point on [Route 808 approximately one mile south of Berlin] the southern boundary line of Berlin Borough thence in [an easterly and] a general southerly direction through Brothers Valley Township to the junction of Route 808 in Somerset County a distance of approximately [3.4] 4.1 miles

Section 2. The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr, Bartlett, Becker, Carr, Chapman, Coleman, Cox, Crider, Crowe, Deitrick, DiSilvestro, Edmonds,	Farrell, Frey, Geltz, Haluska, Heyburn, Homsher, James, Jaspan, Kephart, Lanlus, Letzler, Mallery,	McCreesh, McGinnis, McQuiddy, Mundy, Ruth, Scarlett, Shapiro, Snowden, Stevenson, Stiefel, Tallman,	Taylor, Thomas, Tyler, Wade, Walker, Watkins, Wilson, H. I., Wilson, T. B., Ziesenheim, Ealy, Pres. Pro. Tem.
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NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1160, (House Bill No. 1650), as follows:

An Act providing for the cooperation of the Commonwealth and certain political subdivisions thereof with the United States in respect to flood control projects authorizing the Secretary of Highways on behalf of the Commonwealth and the authorities of the various counties cities boroughs and townships with the approval of the Water and Power Resources Board to enter into certain agreements with and to grant and convey to the United States certain rights and easements in and relative to the highways streets roads and bridges thereof and lands bordering the same over which such governmental units may have control

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any case where the United States Government or any agency thereof under the authority of an act of Congress has heretofore commenced or finished or shall hereafter commence or finish any work on or construction of a retarding dam channel improvement or other flood control project in relation to any river stream or creek in this Commonwealth and the authorized representatives of the United States deem it necessary for the successful operation of said flood control project and for the safety of life and preservation of property to secure from the Commonwealth or any political subdivision thereof certain easements and rights in or relative to the highways roads streets and bridges thereof and the land bordering the same over which such governmental units may have control the Commonwealth and the various political subdivisions thereof are hereby authorized to grant to the United States such easements and rights and to enter into agreements therewith as hereinafter provided

Section 2 The Secretary of Highways acting for the Commonwealth the county commissioners of any county the mayor of any city and the burgess of any borough with the approval of the city or borough council and the commissioners or supervisors of any township may with the approval of the Water and Power Resources Board enter into an agreement with or execute a deed to the United States or any agency thereof granting and conveying thereto the following perpetual rights and easements to be exercised whenever in the judgment of the representatives of the United States it is necessary

(1) To flood for temporary periods any highways street bridge viaduct or road or any portion thereof over which the Commonwealth or the political subdivision has control and which is designated in such agreement or deed Such highways streets bridges viaducts and roads shall continue to be maintained by the State or its local subdivisions

(2) To enter upon said highways streets bridges and roads and the lands bordering the same over which the Commonwealth or the political subdivision has control to widen the aforesaid river stream or creek through or along said lands to erect structures revetments and bank slopes upon said lands and to inspect maintain and operate said structures revetments and bank slopes

(3) To relocate roads streets bridges viaducts and other public works and improvements at the cost of the United States The relocation of State highway routes may be made without regard to terminal or intermediate points mentioned in the law establishing such routes Agreements may provide for abandonment of existing

roads streets bridges viaducts and public works and improvements whether or not supplied by relocations

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Tallman,
Bartlett,	Farrell,	Mallery,	Taylor,
Becker,	Frey,	McCreesh,	Thomas,
Carr,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Miller,	Walker,
Cox,	Homsher,	Mundy,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Detrick,	Kephart,	Shapiro,	Ziesenheim,
DiSilvestro,	Lanius,	Snowden,	Ealy,
		Stiefel,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Mr. SHAPIRO. Mr. President, I wish to explain my vote. I voted "aye" on this bill, because this bill does exactly the same as the bill which we just passed, but it dose not have an amendment prohibiting the use of these flood waters for electric power, and since they forgot to put that provision in this bill, I have no hesitancy in voting for it.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1163, (House Bill No. 1663), as follows:

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W P A Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of three thousand dollars (\$3,000) or so much thereof as shall be necessary is hereby specifically appropriated to the Special Investigating Committee of the House of Representatives appointed pursuant to House Resolution Serial No. 12 adopted by the House of Representatives the seventh day of January one thousand nine hundred and forty-one to reimburse the committee for all reasonable expenses incurred by it in making its investigation and performing its duties in accordance with such resolution

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Frey,	McGinnis,	Taylor,
Carr,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	James,	Reed,	Watkins,
Crider,	Jaspan,	Ruth,	Wilson, H. I.,
Crowe,	Kephart,	Scarlett,	Wilson, T. B.,
Detrick,	Lanius,	Shapiro,	Ziesenheim,
DiSilvestro,	Letzler,	Snowden,	Ealy,
		Stevenson,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1185, (House Bill No. 1716), as follows:

An Act to further amend sections three and ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 284) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" by prescribing malt beverage tax rates for certain original containers or standard fractions thereof and providing for refunds of tax for malt or brewed beverages sold to commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three and ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 284) entitled as amended "An act imposing a State tax payable as those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as last amended by the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 527) are hereby further amended to read as follows

Section 3 (a) Each manufacturer shall be subject to pay to the Commonwealth the taxes imposed by this section upon all malt or brewed beverages manufactured in this Commonwealth when prepared for market and every person who ships or transports malt or brewed beverages into this Commonwealth for sale, delivery or storage in this Commonwealth shall pay to the Commonwealth the taxes imposed in this section before such beverages are transported within this Commonwealth Such taxes shall be at the rate of one-third cent (1/3c) per half pint of eight (8) fluid ounces or fraction thereof and in larger

quantities at the rate of one-half (1/2c) per pint of sixteen (16) fluid ounces or fraction thereof

The tax rates per [barrel] original container or standard fraction thereof are as follows

Standard Fraction	Malt Beverages Tax Rate	Volume
1 barrel	\$1.24	31 gal
1/2 barrel	.62	15 1/2 gal
1/3 barrel	.42	10 1/3 gal
1/4 barrel	.31	7 3/4 gal
1/6 barrel	.21	5 1/6 gal
1/8 barrel	.16	3 7/8 gal
1 gallon	.04	
1/2 gallon	.02	
1 quart	.01	
1 pint	.005	
1/2 pint	.0033	

(b) In the event that any state territory or country shall impose upon malt or brewed beverages which have been manufactured in Pennsylvania a higher tax or fee than is imposed upon malt or brewed beverages manufactured within such state territory or country every person who ships or transports from such state territory or country malt or brewed beverages manufactured therein into this Commonwealth for sale delivery or storage in this Commonwealth shall pay thereon to the Commonwealth before such beverages are transported within this Commonwealth in addition to the tax imposed by this section a tax equal to such excess tax or fee which is imposed in such state territory or country on Pennsylvania-manufactured malt or brewed beverages. Such additional tax shall be levied assessed and collected in the same manner as the other taxes imposed by this act

(c) Manufacturers and all persons who bring malt or brewed beverages into the Commonwealth shall be liable to the Commonwealth as taxpayers for the payment of the taxes imposed by this act

Section 10 (a) In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been sold or shipped by him to a licensed or regular dealer in such malt or brewed beverages in another state such manufacturer in this Commonwealth shall be entitled to a refund of the actual amount of tax paid by him upon condition that the seller in this Commonwealth shall make affidavit that the malt or brewed beverages were so sold and shipped and that he shall furnish from the purchaser an affidavit or in cases where the total purchase price is five dollars (\$5.00) or less a written certificate in lieu of an affidavit from the purchaser or upon satisfactory proof that such affidavit or certificate cannot be obtained other evidence satisfactory to the department that he has received such malt or brewed beverages for sale or consumption outside the Commonwealth and the amount of stamps or crowns thereon together with the name and address of the purchaser [whereupon the department shall with the approval of the Board of Finance and Revenue issue to the seller in this Commonwealth stamps or crowns of sufficient value to cover the refund]

(b) In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been sold to commissaries ship's stores or voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy such manufacturer shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit and furnish proof that the malt or brewed beverages were so sold

(c) In case any malt or brewed beverages upon which stamps or crowns have been placed by an out of state manufacturer and subsequently sold by an importing distributor to commissaries ship's stores or voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy such manufacturer shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make af-

fidavit and furnish proof that the malt or brewed beverages were so sold

(d) In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been destroyed by him under the supervision of the Treasury Department of the United States of America he shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit that such malt or brewed beverages were so destroyed and shall also furnish the department with a certificate executed by the representative of the Treasury Department of the United States of America who witnessed the destruction of such malt or brewed beverages to the effect that the said destruction has taken place and shall also furnish such other proof as the department shall require [whereupon]

In each of the above cases the department shall with the approval of the Board of Finance and Revenue issue to the manufacturer stamps or crowns of sufficient value to cover the refund

The procedure for refund in any case shall be completed by the Department of Revenue and the Board of Finance and Revenue within sixty days after the proper affidavits have been filed with the department

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz

YEAS—45

Barr,	Edmonds,	Mallery,	Tallman,
Bartlett,	Farrell,	McCreech,	Taylor,
Becker,	Frey,	McGinnis,	Thomas,
Carr,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	James,	Ruth,	Watkins,
Crider,	Jaspan,	Scarlett,	Wilson, H. T.,
Crowe,	Kephart,	Shapiro,	Wilson, T. B.,
Deitrick,	Lanius,	Snowden,	Ziesenheim,
DiSilvestro,	Letzler,	Stevenson,	Ealy,
		Stiefel,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1196, (House Bill No. 1177), as follows:

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing the titling including liens encumbrances and legal claim registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors bur-

gesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by allocating fees for inspection certificates for promotion of highway safety

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred seventeen point one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 717.1 Fee for Inspection Certificates The fee for inspection certificates shall be five (\$.05) cents for each certificate issued A sum equal to the amount so realized shall be allocated to and used solely for the promotion of highway safety

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Taylor,
Barlett,	Farrell,	McCreesh,	Thomas,
Becker,	Frey,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Haluska,	Mundy,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsher,	Scarlett,	Wilson, H. I.,
Crider,	James,	Shapiro,	Wilson, T. B.,
Crowe,	Jaspan,	Snowden,	Ziesenheim,
Deitrick,	Kephart,	Stiefel,	Ealy,
Dent,	Lanius,	Tallman,	Pres. Pro. Tem.
DiSilvestro,	Letzier,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 1198, (House Bill No. 1390), on third reading entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented.

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1199, (House Bill No. 1420), on third reading, entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon personal property held and managed in this Commonwealth owned held or possessed by residents as trustees agents or attorneys-in-fact jointly with one or more trustees agents or attorney-in-fact domiciled in another state and by imposing the tax upon equitable interests of residents in personal property held and managed in another state where the legal title to such personal property is held by more than one trustee agent or attorneys-in-fact one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth and exempting casualty insurance companies having no capital stock from the tax imposed by this act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1205, (House Bill No. 1611), as follows:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth and empowering the Department of Justice to enter satisfaction thereof at the cost of the property owners.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases where any mortgage against any real property is held by the Commonwealth for any purpose either as mortgagee or as assignee and no payment claim or demand shall have been made on account of or for either the principal or any interest on such mortgage or for the payment of any money or the performance of any other obligation secured thereby for a period of fifty years a release or discharge of such mortgage shall be presumed and the Department of Justice may upon application of the owner or owners of the property bound by such mortgage enter satisfaction thereof upon the record in the office of the recorder of deeds wherein the same is recorded All costs and expenses in

connection with the entry of such satisfaction shall be paid by the persons applying therefor

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Tallman,
Bartlett,	Farrell,	Mallery,	Taylor,
Becker,	Frey,	McCreesh,	Thomas,
Carr,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Detrick,	Kephart,	Snowden,	Ziesenheim,
DiSilvestro,	Lanius,	Stevenson,	Ealy,
		Stiefel,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1207, (House Bill No. 1665), as follows:

An Act to amend section six hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by providing that said section shall not apply to certain games or devices where free plays are given or allowed and providing that such free plays shall not be considered things of value

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended to read as follows

Section 605 Establishing Gambling Places Whoever sets up or establishes or causes to be set up or established any game or device of address or hazard at which money or other valuable thing may or shall be played for or staked or betted upon or procures permits suffers and allows persons to collect and assemble for the purpose of playing at and staking or betting upon such game or device or address or hazard for money or other valuable thing or whoever being the owner tenant lessee or occupant of any premises leases hires or rents the same or any part thereof to be used and occupied or employed for the purpose of playing at or staking and betting upon such game or device of address or hazard for money or other valuable thing is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or undergo imprisonment not exceeding one (1) year or both

The owner of such premises who shall have knowledge that any such game or device of address or hazard has been set up in or upon the said premises shall not forthwith cause complaint to be made against the person who has set up or established the same shall be deemed to have knowingly leased hired or rented the said premises for the said purposes

This section shall not be construed to apply to games of recreation and exercise such as billiards bagatelle ten pins etc where no betting is allowed

This section shall not be construed to apply to any games or devices where free plays are given or allowed and free plays shall not be considered valuable things provided no prizes rewards premiums or something of intrinsic value is given for such free plays

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barr,	Edmonds,	Letzler,	Thomas,
Bartlett,	Farrell,	Mallery,	Tyler,
Becker,	Geltz,	McGinnis,	Walker,
Carr,	Haluska,	Miller,	Watkins,
Chapman,	Heyburn,	Ruth,	Wilson, H. I.,
Coleman,	Homsher,	Scarlett,	Wilson, T. B.,
Crider,	James,	Stiefel,	Ziesenheim,
Detrick,	Jaspan,	Tallman,	Ealy,
DiSilvestro,	Kephart,	Taylor,	Pres. Pro. Tem.

NAYS—8

Cox,	Lanius,	McQuiddy,	Shapiro,
Frey,	McCreesh,	Mundy,	Snowden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Mr. HALUSKA. Mr. President, I am too happy tonight, to see this bill pass, because in the early days of the session, I introduced a bill proposing taxes on pin ball machines and my colleagues told me it was illegal.

Now, Mr. President, since we have legalized the playing of pin ball machines, they will soon find some way to raise revenue for my sixty at sixty plan.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1217, (House Bill No. 1798), as follows:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cities of the second class A in this Commonwealth the city council of such cities shall adopt an annual budget only in accordance with the procedure set forth in this act

The city council of said city shall first agree upon a tentative or proposed annual budget and shall thereupon authorize the clerk of said council to advertise in two newspapers of general circulation in such city a notice

of the fact that such proposed or tentative budget shall be enacted finally twenty days after such advertisement. Copies of such proposed budget shall be available for public inspection in the office of the city clerk of such city. The said city council shall then fix a date between ten to fifteen days after such advertisement for a public hearing on said proposed budget at which hearing all interested taxpayers of such city may appear and state their positions and views relative to such budget. On the date fixed by the advertisement aforesaid the said city council shall proceed with the consideration of the proposed budget ordinance and its adoption in any final form it may desire in accordance with the law governing the passage of such an ordinance.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Stiefel,
Bartlett,	Farrell,	Mallery,	Tallman,
Becker,	Frey,	McCreesh,	Taylor,
Carr,	Geltz,	McGinnis,	Thomas,
Chapman,	Haluska,	McQuiddy,	Tyler,
Coleman,	Heyburn,	Miller,	Walker,
Cox,	Homsher,	Mundy,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Deltrick,	Kephart,	Shapiro,	Ziesenheim,
DiSilvestro,	Lanius,	Snowden,	Ealy,
		Stevenson,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1224, (House Bill No. 1013), on third reading, entitled:

An Act to repeal section five of the act approved the fourth day of May one thousand nine hundred five (P. L. 385) entitled "An act creating the Water Supply Commission of Pennsylvania defining its duties fixing the scope of its authority and powers and making an appropriation for the payment of the salaries and expenses connected therewith" prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1226, (House Bill No. 1101), on third reading, entitled:

An Act to amend sections one thousand five hundred and one and one thousand five hundred and eight of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating sewer connections and sewer district assessments in certain cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1237, (House Bill No. 1643), on third reading, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for the manner of payment of escheator's fees informant's commissions and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat designating the funds to which such moneys shall be credited and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1241, (House Bill No. 1719), as follows:

An Act to add clause (k) to section two thousand one hundred two and to repeal clause (d) of section two thousand one hundred ten of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointments of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of

the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health to conform with the provisions of the Public Utility Law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand one hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended by adding at the end thereof a new clause to read as follows

Section 2102 General Health Administration The Department of Health shall have the power and its duty shall be

* * *

(k) To investigate hold hearings upon and determine any question of fact regarding the purity of water supplied to the public by any public utility over which the Pennsylvania Public Utility Commission has jurisdiction whenever said commission shall certify such question to the department

The findings of the department upon any such questions shall be incorporated in and made a part of the determination or decision of said commission of the controversy or other proceedings in connection with which the question arose and shall be binding upon the parties to such controversy or other proceeding unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law

Section 2 Clause (d) of section two thousand one hundred ten of said act as amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1865) is hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	McCreesh,	Taylor,
Bartlett,	Farrell,	McGinnis,	Thomas,
Becker,	Geltz,	McQuiddy,	Tyler,
Carr,	Haluska,	Miller,	Wade,
Chapman,	Heyburn,	Mundy,	Walker,
Coleman,	Homsher,	Ruth,	Watkins,
Cox,	James,	Scarlett,	Wilson, H. I.,
Crider,	Jaspan,	Shapiro,	Wilson, T. B.,
Crowe,	Kephart,	Snowden,	Ziesenheim,
Deitrick,	Lanlus,	Stiefel,	

Dent,
DiSilvestro,

Letzler,
Mallery,

Tallman,

Ealy,
Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1242, (House Bill No. 1721), as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire a certain tract of land for the use of Pennsylvania Industrial School and making an appropriation therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor and the Department of Welfare is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania a certain tract or tracts of land of approximately one acre known as the "Hivner property" including a residence and several small out-buildings situated in Lower Allen Township Cumberland County Pennsylvania and entirely surrounded by land administered in connection with the New Pennsylvania Industrial School so as to avoid the private ownership of land so situated and make possible the use of said lands with the buildings thereon for said school

Section 2 Said tract of land when purchased shall be added to the lands of the New Pennsylvania Industrial School The deeds of conveyance shall be deposited with the Secretary of Internal Affairs

Said lands shall not be acquired until the titles thereto have been approved by the Department of Justice

Section 3 The sum of four thousand dollars (\$4,000) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of land and the expenses incidental thereto including title searches

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question.

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Tallman,
Bartlett,	Farrell,	Mallery,	Taylor,
Becker,	Frey,	McCreesh,	Thomas,
Carr,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Miller,	Walker,
Cox,	Homsher,	Mundy,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Deitrick,	Kephart,	Shapiro,	Ziesenheim,
DiSilvestro,	Lanlus,	Snowden,	Ealy,
		Stiefel,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1246, (House Bill No. 1771), on third reading, entitled:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce, annulment of marriage, adoption and annulment of adoption proceedings, providing for the registration of such certificates by the said Department, the issuance of certified copies thereof, and fixing fees and penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1248, (House Bill No. 1826), as follows:

An Act to amend part of section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" changing a certain route in the City of Johnstown

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 A certain route of section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporation to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty

therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" which was added by section two of the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 793) is hereby amended to read as follows

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

Beginning at a point on Grant Avenue on the dividing line between the borough of Southmont and the City of Johnstown thence northerly on Grant Avenue to [Haynes] Somerset Street thence easterly on [Haynes] Somerset Street to the intersection of [Haynes] Somerset and Napoleon Streets in the City of Johnstown Cambria County a distance of about 0.40 of a mile

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	McCreesh,	Tallman,
Bartlett,	Farrell,	McGinnis,	Taylor,
Becker,	Geltz,	McQuiddy,	Thomas,
Carr,	Haluska,	Miller,	Tyler,
Chapman,	Heyburn,	Mundy,	Wade,
Coeman,	Homsher,	Ruth,	Walker,
Cox,	James,	Scarlett,	Watkins,
Crider,	Jaspan,	Shapiro,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Wilson, T. B.,
Detrick,	Lanius,	Stevenson,	Ealy,
Dent,	Litzler,	Stiebel,	Pres. Pro. Tem.
DiSilvestro,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1249, (House Bill No. 1827), as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters and for the landscaping thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for the construction and improvement of roads within and approaches to the property owned by the Commonwealth and known as The Ephrata Cloisters located in Ephrata Township Lancaster County Pennsylvania and for the landscaping of such property and the approaches thereto

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	McCreesh,	Taylor,
Bartlett,	Farrell,	McGinnis,	Thomas,
Becker,	Geltz,	McQuiddy,	Tyler,
Carr,	Haluska,	Miller,	Wade,
Chapman,	Heyburn,	Mundy,	Walker,
Coleman,	Homsher,	Ruth,	Watkins,
Cox,	James,	Scarlett,	Wilson, H. I.,
Crider,	Jaspan,	Shapiro,	Wilson, T. B.,
Crowe,	Kephart,	Snowden,	Ziesenheim,
Deltrick,	Lanius,	Stiefel,	Ealy,
Dent,	Letzler,	Tallman,	Pres. Pro. Tem.
DiSilvestro,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1260, as follows:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing a certain route

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following route established by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is hereby amended to read as follows

Route 07001 Beginning at a point approximately one-half mile south of Curryville at the intersection with Legislative Route 286 in North Woodbury Township Blair County thence southeast a distance of approximately one and one-half mile to a point near the Blair-Bedford County line thence continuing in a southeasterly direction approximately one-half mile to the intersection of a township road running northeast thence along said township road in a northeasterly direction approximately three quarters of a mile to a point near the Henrietta Railroad Station thence northerly approximately three and three-tenths miles to a road intersection approximately one quarter of a mile east of the village of Clover Creek in Blair County a distance of about six miles

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Farrell,	McCreesh,	Taylor,
Bartlett,	Frey,	McGinnis,	Thomas,
Becker,	Geltz,	McQuiddy,	Tyler,
Carr,	Haluska,	Mundy,	Wade,
Chapman,	Heyburn,	Ruth,	Walker,
Coleman,	Homsher,	Scarlett,	Watkins,
Cox,	James,	Shapiro,	Wilson, H. I.,
Crider,	Jaspan,	Snowden,	Wilson, T. B.,
Crowe,	Kephart,	Stevenson,	Ziesenheim,
Deltrick,	Lanius,	Stiefel,	Ealy,
DiSilvestro,	Letzler,	Tallman,	Pres. Pro. Tem.
Edmonds,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1262, (House Bill No. 753), as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire certain land adjacent to and for the use of the Scranton State Hospital providing for the improvement and use thereof authorizing the City of Scranton to pay the costs of such improvements in whole or in part and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor and the Department of Welfare is hereby authorized to acquire by gift purchase or condemnation in the name of the Commonwealth two strips of land adjoining the Scranton State Hospital in the City of Scranton the one abutting on Raymond Court between Mulberry Street and Vine Street a distance of three hundred feet more or less and the other contiguous to the present property of said hospital between Franklin Avenue and Raymond Court a distance of one hundred fifty feet more or less both strips of a depth of fifty feet No parts of such land shall be acquired until the titles thereto have been approved by the Department of Justice Such land when acquired shall be added to the lands of the Scranton State Hospital The deeds of conveyance shall be deposited with the Secretary of Internal Affairs

Section 2 Said land when acquired shall be beautified and improved for use in connection with said hospital as an automobile parking area and as a park for convalescent patients Such beautification and improvement may be undertaken by the city of Scranton and the municipal authorities of said city are hereby authorized to appropriate and expend such sums as they deem necessary for the improvement of such land in cooperation with or in conjunction with any Federal or State agency The cost thereof may be paid in whole or in part out of funds supplied by the Work Projects Administration or other Federal or State agency

Section 3 The sum of thirty-five thousand dollars (\$35,000) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the cost of acquiring said property and the expenses incident thereto including title searches and for the improvement and beautification thereof after being acquired

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Tallman,
Bartlett,	Farrell,	Mallery,	Taylor,
Becker,	Frey,	McCreesh,	Thomas,
Carr,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deltrick,	Kephart,	Snowden,	Ziesenheim,
DiSilvestro,	Lanius,	Stevenson,	Ealy,
		Tiefel,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1264, (House Bill No. 1370), on third reading, entitled:

An Act to amend section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" further regulating the removal discharge or reduction in pay or position of officers clerks and employees in the classified civil service

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1271, (House Bill No 1802), as follows:

An Act providing for and requiring in certain cases preference in appointments to public position for honorably discharged persons who served in the military or naval service during any War in which the United States was engaged

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The word "soldier" as used in this act shall be construed to mean a person male or female who served in the military or naval service of the United States during any war in which the United States was engaged and who has an honorable discharge from such service

Section 2 When any soldier shall take any civil service appointment or promotional examination for a public position under the Commonwealth or under any political

subdivision thereof he shall be given credit in the manner hereinafter provided for the discipline and experience represented by his military training and for the loyalty and public spirit demonstrated by his service for the preservation of his country

Section 3 Whenever any soldier shall successfully pass a civil service appointment or promotional examination for a public position under the Commonwealth or any political subdivision thereof and shall thus establish that he possesses the qualifications required by law for appointment to or promotion in such public position such soldier's examination shall be marked or graded an additional Ten Points above the mark or grade credited for the examination and the total mark or grade thus obtained shall represent the final mark or grade of such soldier and shall determine his standing on any eligible or promotional list certified or furnished to the appointing or promoting power

Section 4 Whenever any soldier possesses the requisite qualifications and is eligible to appointment to or promotion in a public position where no such civil service examination is required the appointing power in making an appointment or promotion to a public position shall give preference to such soldier

Whenever any soldier possesses the requisite qualifications and his name appears on any eligible or promotional list certified or furnished as the result of any such civil service examination the appointing or promoting power in making an appointment or promotion to a public position shall give preference to such soldier notwithstanding that his name does not stand highest on the eligible or promotional list

In making an appointment or promotion to public office where such a civil service examination is required the appointing or promotional power may give preference to any soldier who has passed the required examination for appointment or promotion to such position and possesses the requisite qualifications although his name does not appear on the eligible or promotional list certified or furnished to the appointing or promoting power

Section 5 This act shall be construed as being the exclusive law applying to the Commonwealth and its political subdivisions in giving preference to soldiers in appointment or promotion to public position

Section 6 All acts and parts of acts inconsistent with this act are hereby repealed

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bartlett,	DiSilvestro,	Mallery,	Thomas,
Becker,	Farrell,	McGinnis,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Haluska,	Mundy,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Kephart,	Stiefel,	Wilson, T. B.,
Deltrick,	Lanius,	Tallman,	Ziesenheim,
Dent,	Letzler,	Taylor,	Ealy,
			Pres. Pro. Tem.

NAYS—9

Barr,	Homsher,	McCreesh,	Shapiro,
Cox,	Jaspan,	McQuiddy,	Snowden,
Edmonds,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same without amendments.

Mr. BARR. Mr. President, I desire to explain my vote on the bill which just passed.

The PRESIDENT PRO TEMPORE. The gentleman from Allegheny may proceed.

Mr. BARR. Mr. President, I think that veterans are well protected under civil service today, and I do not think any one should be appointed or promoted as a police lieutenant or fire captain just because of the fact that he is a veteran. I think those matters should be decided on a man's ability as a police officer or a fire fighter, and the same basis should apply to all others.

Mr. DENT. Mr. President, in as much as those who voted "no" have some word of explanation, maybe some of those who voted "aye" should have a word of explanation.

It may be remembered that a great many men who are now veterans went into the army in 1916, 1917 and 1918 without opportunity of getting the educational requirements are now required in civil service examinations. They certainly are entitled now to some little advantages over those who stayed at home and enjoyed the advantages the veterans did not get. Therefore, Mr. President, I voted "aye".

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1274, (House Bill No. 1178), on third reading, entitled:

An Act providing that the compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1280, (House Bill No. 1825), as follows:

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following section of public road shall be adopted by the Commonwealth as a State highway to be constructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing such State highways

Beginning at a point on Route 219 about 0.6 of a mile south of Marsh Creek thence in a general northerly direction through Liberty Township via the village of Blanchard to a point on Route 219 about 0.2 of a mile south of Beech Creek in Centre County a distance of about 1.8 miles

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Tallman,
Bartlett,	Farrell,	McCreesh,	Taylor,
Becker,	Frey,	McGinnis,	Thomas,
Carr,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deltrick,	Kephart,	Snowden,	Ealy,
Dent,	Lanius,	Stiefel,	Pres. Pro. Tem.
DiSilvestro,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1288, (House Bill No. 1501), on third reading, entitled:

An Act authorizing the Secretary of the Department of Forests and Waters to lease a tract of land in Jackson Township Dauphin County to the Susquehannock Indian Tribe

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1289, (House Bill No. 1631), as follows:

An Act authorizing and directing the Department of Highways to erect construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum Allegheny County and a point in Westmoreland County and to provide the necessary approaches and connections with State highways providing for the acceptance of Federal aid empowering counties to pay certain damages and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Highways is hereby authorized and directed to erect and construct a three lane bridge over the Allegheny River at a convenient point in or near the Borough of Tarentum in Allegheny County to a point on the opposite side of said river in the county of Westmoreland to connect the State highways on both sides of said river and to acquire the necessary land for approaches thereto

In the construction of said bridge and the approaches thereto and connections with existing State highways the Department of Highways shall have all of the powers and authority conferred with respect to the relocation widening or construction of State highways Any damages

sustained by reason of taking property in the relocation widening or construction of any such bridge the approaches thereto and connections with State highways shall be ascertained in accordance with laws applicable to the ascertainment of damages in relocating widening and constructing State highways and such damages when ascertained shall be paid by the Commonwealth or county or counties as may be agreed upon in accordance with the laws relating to State highways

Section 2 The Department of Highways is hereby authorized to accept grants of funds from any Federal agency for the construction of such bridge and the approaches thereto and connections with State highways Any such moneys shall be held by the State Treasurer as custodian for the Department of Highways and the same shall be paid out on requisition of the department without further appropriation

Section 3 If such bridge is to be constructed under contract and to be paid for wholly or in part from Federal funds and the project involves additional work to be contracted and paid for by a county or counties the advertisement by the Department of Highways shall be the only advertising necessary any other acts or requirements to the contrary notwithstanding

Section 4 The Department of Highways shall have authority to make and carry out contracts and to do every other act necessary to carry out the project herein authorized and is authorized to conform to the requirements and rules and regulations of the proper Federal authorities with respect to such projects if Federal moneys are advanced for such project Nothing herein contained shall in anywise diminish any authority or powers now or hereafter conferred on the Department of Highways by any other act of Assembly

Section 5 The Department of Highways shall after the completion of such bridge maintain the same free of tolls for the use of the public

Section 6 The sum of one million (\$1,000,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund in the State Treasury to the Department of Highways for the construction of such bridge the approaches thereto the connections with State highways and for the payment of damages for property taken injured or destroyed

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Frey,	McCreesh,	Taylor,
Becker,	Geltz,	McGinnis,	Thomas,
Carr,	Haluska,	McQuiddy,	Tvler,
Chapman,	Heyburn,	Miller,	Wade,
Coleman,	Homsher,	Mundy,	Walker,
Cox,	James,	Ruth,	Watkins,
Crider,	Jaspan,	Scarlett,	Wilson, H. I.,
Crowe,	Kephart,	Shapiro,	Wilson, T. B.,
Deltrick,	Lanius,	Snowden,	Ziesenheim,
DiSilvestro,	Letzler,	Stiefel,	Ealy,
Edmonds,	Mallery,	Tallman,	Pres. Pro. Tem.
Farrell,			

NAYS—1

Dent,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consid-

eration of Senate Bill No. 1290, (House Bill No. 1720), as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania a certain tract of land of approximately one and one-fifth acres known as the "Dare property" situated in Susquehanna Township Dauphin County Pennsylvania and entirely surrounded by the present property of said hospital so as to avoid private ownership of property so located and the necessity of maintaining a public highway thereto over the lands of said hospital and to make possible the use of said lands with the buildings thereon for the said hospital

Section 2 Said tract of land when purchased shall be added to the lands of the Harrisburg State Hospital The deeds of conveyance shall be deposited with the Secretary of Internal Affairs

Said lands shall not be acquired until the titles thereto have been approved by the Department of Justice

Section 3 The sum of two thousand four hundred dollars (\$2,400) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of land and the expenses incidental thereto including title searches

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Tallman,
Bartlett,	Farrell,	McCreesh,	Taylor,
Becker,	Frey,	McGinnis,	Thomas,
Carr,	Geltz,	McQuiddy,	Tvler,
Chaoman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deltrick,	Kephart,	Snowden,	Ealy,
Dent,	Lanius,	Stiefel,	Pres. Pro. Tem.
DiSilvestro,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1291, (House Bill No. 1765), as follows:

An Act repealing and abandoning as a State highway State highway Route 03123 in Armstrong County and providing for the reversion thereof to the township

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 State highways Route 03123 in Armstrong County adopted by section two of the act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (P. L. 2143) entitled "An act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (P. L. 594) entitled 'An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act' as amended by changing certain routes and adding certain new routes" and now described as follows is hereby repealed and abandoned as a State highway and the same shall revert to and be maintained by the township in which it is located as provided by law in the case of roads abandoned as State highways

Route 03123 Beginning at a point on Route 03084 at Rimer thence easterly and northerly through Madison Township to a road intersection at Rimer Hill School in Armstrong County a distance of 2.4 miles

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Tallman,
Bartlett,	Farrell,	McCreesh,	Taylor,
Becker,	Frey,	McGinnis,	Thomas,
Carr,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deltrick,	Kephart,	Snowden,	Ealy,
Dent,	Lanius,	Stiefel,	Pres. Pro. Tem.
DiSilvestro,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,
The Senate proceeded to the third reading and consideration of Senate Bill No. 1300, as follows:

An Act to amend sections 410 and 411 of the Act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by eliminating the requirement that owners make available open public hunting areas contiguous to regulated shooting grounds and changing shooting restrictions on regulated shooting grounds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 410 and 411 of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amend-

ing revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 410 Permits to Operate Regulated Shooting Grounds Any person association or corporation desiring to operate regulated shooting grounds upon which to propagate and release annually a minimum of one hundred of any of the following species of game birds namely pheasants chukar partridges or mallard or black ducks or upon which to release such numbers and species of birds when legally propagated or purchased for shooting and other purposes on lands owned or leased by him or it shall first secure a regulated shooting grounds permit from the commission The application in addition to other information required by the commission shall state the approximate number of each of the foregoing species of game birds to be reared or purchased and released for shooting purposes on said property during the ensuing year No regulated shooting grounds permit shall be issued for less than one hundred (100) acres in one tract of land or land and water combined nor shall such permit be issued until the commission has satisfied itself that said shooting ground will not be inimical to the public interest land until the owners have agreed to make available an open public hunting area contiguous thereto which shall be an area equal to at least one-half of the area of the regulated shooting grounds with public hunting and access assured thereto Provided however The holder of such permit shall not be required to make available an open public hunting area if during any year such person prior to the shooting season turns over to the commission twenty-five per centum of the propagated or purchased birds for stocking purposes elsewhere or hereinafter stipulated]

The boundary of the premises so licensed shall be marked by a single strand of wire or other fence and shall be posted with printed notices not more than one hundred yards apart and containing such wording as the commission may prescribe

Section 411 Shooting Restrictions on Regulated Grounds Such permits shall entitle the holder or holders thereof and their guests to kill or take by shooting only [(a)] not to exceed [sixty] seventy-five per centum of the pheasants and chukar partridges and ninety per centum of the mallard or black ducks propagated or purchased and released on the premises each year said propagation or release to be established to the satisfaction of the commission [or (b) if prior to the shooting season the holder or holders of such permits turn over to the commission for stocking purposes elsewhere twenty-five per centum of the birds ready to be released for shooting purposes such birds being full-winged first quality stock and in equal numbers as to sex the permittee shall be entitled to take by shooting only all of the remaining seventy-five per centum of the birds propagated or purchased for shooting purposes]

All game birds released on said regulated shooting grounds shall be full-winged and fully able to care for themselves in a wild state and wherever the commission deems it desirable all mature birds released shall bear a metal leg band of a type approved by it Such propagated or released birds may be taken without regard to sex or age or daily or season bag limits so long as not more than the specified percentages herein enumerated are taken during the shooting period below authorized but no shooting for pheasants chukar partridges or mallard or black ducks shall be done on said premises prior to the date and hour of the general state-wide open season for small game as fixed by this act or the commission nor after December thirty-first of any year

All species of game other than those specified found on the premises covered by such regulated shooting grounds permits may be taken on said premises only under the general provisions of the law governing seasons bag limits etc

Every person hunting on such regulated shooting grounds or participating in a shoot held under a regulated shooting grounds permit shall be possessors of a resident or nonresident hunter's license for the current year as required by law

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Tallman,
Bartlett,	Farrell,	McCreesh,	Taylor,
Becker,	Frey,	McGinnis,	Thomas,
Carr,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsheer,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Detrick,	Kephart,	Snowden,	Ealy,
Dent,	Lanius,	Stiefel,	Pres. Pro. Tem.
DiSilvestro,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REPORT FROM COMMITTEE

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON, from the Committee on State Government, reported as amended, Senate Bill No. 898, (House Bill No. 1213), entitled:

An Act to amend an act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employees as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively and providing for the compensation of such substitutes" by more fully defining the time during which the benefits shall be payable and the amounts thereof and to whom payable.

BILL INTRODUCED

Mr. MALLERY. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY read in place and presented to the Chair Senate Bill No. 1314, entitled:

An Act authorizing the Department of Property and

Supplies to acquire on behalf of the Commonwealth, certain land upon which the historic Fort Roberdeau once stood in Blair County as a memorial; providing for the control, management, supervision, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

Which was committed to the Committee on State Government.

REPORTS FROM COMMITTEES

Mr. RUTH. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH, from the Committee on Education, reported as committed, Senate Bill No. 1105, (House Bill No. 94), entitled:

An Act to amend section fifteen hundred and nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils, teachers, janitors, or other employees.

He also from the Committee on Education, reported as amended, Senate Bill No. 1263, (House Bill No. 846), entitled:

An Act requiring school boards in all school districts to grant leaves of absence to all school employees who shall volunteer or be called for military or naval service in time of war or during a state of national emergency preserving certain contracts salaries increments retirement rights seniority State contributions and grants to local school boards eligibility lists re-employment authorizing school boards to employ substitutes in place of such employees reserving all rights and privileges of employees granted leaves of absence under the provisions herein superseding or repealing all contrary laws.

BILLS INTRODUCED

Mr. GELTZ. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ read in place and presented to the Chair Senate Bill No. 1315, entitled:

An Act to reenact and further amend the title and the provisions of the act, approved the twenty-fifth day of May, one thousand eight hundred ninety-seven (P. L. 83), entitled "An act to provide for the maintenance, care and treatment of the indigent insane in county and local institutions," as amended, by reviving said act for a limited period of time and including institution districts within the act, in conformity with existing law.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

He also read in his place and presented to the Chair Senate Bill No. 1316, entitled:

An Act to further amend section three hundred nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," by authorizing county institution districts to adopt a supplemental budget and to borrow money to operate institutions for mental patients heretofore transferred to the Commonwealth.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

He also read in his place and presented to the Chair Senate Bill No. 1317, entitled:

An Act to reenact and further amend the title and section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 707), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions," by reviving the provisions of said act for a limited period of time; further fixing the liability of counties, institution districts and the Commonwealth; and conforming the title and the act to existing law.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

SECOND READING CALENDAR

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 399, on second reading, entitled:

An Act making an appropriation to the Treasury Department for the use of the Board of Finance and Revenue in granting refunds of "store and theatre" tax

go over in its order.

The PRESIDENT. Is there objection?

Mr. COLEMAN. I desire to interrogate the Majority Floor Leader.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. COLEMAN. Mr. President, at the risk of being repetitious and incurring the ill will of the Majority Floor Leader, I should like to ask him why he asks that this bill go over in order, since it is a Senate bill.

Mr. GELTZ. Mr. President, there is some question about this bill in the minds of some of the Senators, and if the bill is to receive favorable action, I think it is wise

to have it go over in order. However, if the gentleman from Lackawanna, Senator Coleman, objects to its going over in order, I am perfectly willing to have it voted on at this time.

Mr. COLEMAN. It is only a second reading, Mr. President, and if the gentleman from Allegheny will allow it to pass second reading, I shall be delighted to ask the same question tomorrow, when it is on third reading.

Mr. GELTZ. Mr. President, I withdraw my request.

And the question recurring,

Will the Senate agree to the bill on second reading?

MOTION THAT SENATE BILL No. 399

GO OVER IN ORDER

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 399 go over in order.

Mr. EDMONDS. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. COLEMAN. Mr. President, I have always been a great believer in the philosophy that you can get more under the spur of encouragement than from the lash of criticism, and I do not want to incur the enmity of the men who have some doubt about the merits of this bill, but I should like to call the attention of the Senate to the fact that in 1937, there were two bills passed by the General Assembly, one bill taxing theatres and chain stores of the Commonwealth, and a companion bill appropriating the money derived therefrom, to increase the pay of teachers in fourth class school districts. The theatre tax and chain store tax bill was subsequently declared unconstitutional, and accordingly the companion bill became inoperative since there was no money to pay the increase in salaries.

Most of the chain stores in the Commonwealth paid the tax, but two major chain stores, which would pay probably seventy-five per cent of the tax, while stating they were paying under protest, actually paid nothing.

POINT OF ORDER

Mr. GELTZ. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny will state his point of order.

Mr. GELTZ. Mr. President, my point of order is that the gentleman from Lackawanna is discussing the merits of this bill, which is not before the Senate at this time.

The PRESIDENT. The motion was that the bill go over in order.

Mr. COLEMAN. I will save the presiding officer the trouble of making a ruling on the point of order. The gentleman from Allegheny is definitely right. My only thought is to impress upon the members of the Senate that I have some information from the grape vine system that we are likely to get out of here this week.

Mr. President, this bill still has to pass second reading, and it has to go to the House. I have some grave doubt, even if it gets out of the Senate, as to whether or not it will pass the House. I think the Commonwealth has a tremendous obligation. I am very much interested, but if it is going to cost me any votes I will yield to the Minority Floor Leader, notwithstanding I am a trifle inconsistent as I objected when the Majority Floor Leader asked that this bill go over in its order.

And the question recurring,
Will the Senate agree to the motion?
It was agreed to.

REQUEST THAT HOUSE BILLS GO OVER IN ORDER

Mr. GELTZ. Mr. President, I ask that all House bills on page 21 on the second reading Calendar go over in order.

Mr. DENT. Mr. President, I object, for the simple reason that we are getting nowhere very fast. Here we are dilly-dallying and we are letting House bills go over in order, and certainly the House will take the same position, because to a certain extent they look to the Senate for guidance. We have dilly-dallied for over six months down here, letting House bills go over in order, and then the House lets Senate bills go over in order, and week after week we come back here to be ridiculed by the newspapers in the state and by the taxpayers. If these bills are no good, let us kill them, but if they are good, let us pass them. Let us do our job, and let the House attend to itself in its own capacity. Let us do our business here. Why let House bills stick and stay on the Calendar week after week and day after day? What is it, a joke?

Mr. GELTZ. Mr. President, I observed that a good number of the Senators were here doing their business this evening, much before the Senator from Westmoreland County was here.

Mr. DENT. Mr. President, I was here, maybe I was not here as much as the Senator from Allegheny, but I was here.

Mr. MUNDY. Mr. President, may I interrogate the gentleman from Allegheny?

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. MUNDY. Mr. President, may I ask the Senator from Allegheny if he has taken into consideration the increased cost in printing we have incurred by constantly putting these bills over, and the increased amount of work on the clerical staff of the Senate here in putting these bills over constantly, day after day, and going back on the Calendar to be reprinted? I think, Mr. President, we could practice some economy here by disposing of these bills, either passing them or defeating them, and I suggest that we cut down some of this work and some of this printing, so we can get somewhere.

Mr. GELTZ. Mr. President, in answer to that interrogation, I should like to say I have considered that, but I have come to the conclusion that cost is not nearly so great as the cost of taking down in shorthand and transcribing all of the "gas" we have had in this Senate for the last five months.

Mr. MUNDY. Mr. President, I just want to place on the record this, to repeat, there is such a thing as courtesy in the Senate, and that courtesy should be exemplified in the leadership of both parties, particularly by the leadership of the majority party of this Senate. We have repeatedly heard on this floor the leader of the majority party make answers which were not pertinent to the question, and we have heard him brutally and bluntly answer interrogations, and we have peaceably submitted to it, but we do say we come here with some background and

we do feel that when we ask a question we should have some respectful answer, and all we ask of this gentleman is to exemplify the ideals that he would lead us to believe the Republican Party represents. We want from its leadership a courteous reply when we ask a civil question.

Mr. DENT. Mr. President, perhaps there has been a lot of so-called "gas" which at times might have caused some inconvenience in transcribing and so forth, but I want to say that the Senate of Pennsylvania is supposed to be the greatest forum in the State of Pennsylvania and it is here that we who come from the various districts have the right, the privilege and the duty, if you please, to come here and say the things we think our people back home would want us to say, and it is better that it is so, rather than in the old days, when the state was controlled by that old reactionary group, when all the talking was done behind closed doors, and the people in Pennsylvania interested in knowing what was happening in the state never knew what discussions went on. This way we may gas a little, but the people of Pennsylvania at least know what we are gassing about; they can read it and they can hear it, and they can stand here any time of the day or night when we are in session and see us in action.

In the old days they met behind closed doors; committee meetings were a thing that never happened, they did not have committee meetings, and they did not have open discussions. We have them, and although you may not agree with us and maybe you do not like what we say but at least as long as we are in the Senate of Pennsylvania we are going to say the things we ought to say and I say to you that you are passing House Bills over in order for no reason at all except political connivance, political strategy, if you please, hoping to put the House in a position where they will disgorge Senate bills; we will pass House bills over hoping that Senate bills may get fair treatment in the House. I want to say to you it is an unfair proposition to say that we gas too much and spend too much time talking. Maybe if the Majority Floor Leader would talk a little more about what they are doing on that side, we Democrats would not have to talk so much about how little is being done.

The PRESIDENT. There is objection to the House bills going over in order. The next bill for consideration of the Senate is Senate Bill No. 468 (House Bill No. 70).

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 468, (House Bill No. 70), entitled:

An Act to amend section seven hundred three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending, revising consolidating and changing the law relating thereto" by providing for the compensation paid to township commissioners.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of Senate Bill No. 606, (House Bill No. 434), entitled:

An Act making an appropriation to the Pennsylvania Department of Highways for the improvement of roads and parking areas within the Daniel Boone Homestead.

And said bill having been read at length the second time, and agreed to,
Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. KEPHART. Mr. President, I ask unanimous consent that Senate Bill No. 707, (House Bill No. 1023), on second reading, entitled:

An Act prohibiting employers from directly or indirectly offering for sale selling procuring for sale having in possession or under control for sale to employes or others any merchandise not produced by employers or not handled in the regular course of employer's business providing exceptions thereto declaring such prohibited sales to be unfair competition and repealing prior inconsistent legislation

go over in its order.
The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object to this bill going over. This is the bill we discussed last week; we had it go over in order so that the gentleman from Philadelphia could read it and study it over the weekend. This is a bill which stops the sale, at wholesale, of merchandise, by manufacturers who do not deal in that merchandise. We defeated an amendment to the first section. There was an amendment proposed to the second section which would strike out from the bill the words "or any other persons." We discussed that and the gentleman from Philadelphia was supposed to read the bill over the weekend. This is an important bill and should be passed now.

MOTION THAT SENATE BILL No. 707 GO OVER IN ORDER

Mr. GELTZ. Mr. President, I move that Senate Bill No. 707, go over in order.
Mr. MILLER. I second the motion, Mr. President.
On the question,
Will the Senate agree to the motion?

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I object to the motion and rise to a point of order.
The PRESIDENT. The gentleman from Philadelphia will state his point of order.
Mr. SHAPIRO. There was a motion on the floor not disposed of at the time the gentleman from Allegheny made his motion.
The PRESIDENT. Will the gentleman from Philadelphia state what the motion was.
Mr. SHAPIRO. There was a motion that the bill go over in order, and I objected to the motion.

The PRESIDENT. That is motion that is made now. Mr. SHAPIRO. That was the motion that was made before, Mr. President.
Mr. GELTZ. That was a request, Mr. President. I have now made the motion.
The PRESIDENT. The Chair understood there was first a request, there was objection to the request, and now a motion has been made.
Mr. SHAPIRO. I object and ask for a roll call.
Mr. MUNDY. I object and ask that the roll be called.
The yeas and nays were required by Mr. SHAPIRO and Mr. MUNDY and were as follows, viz:

YEAS—26

Bartlett,	Farrell,	Miller,	Walker,
Becker,	Geltz,	Snowden,	Watkins,
Chapman,	Heyburn,	Tallman,	Wilson, T. B.,
Crider,	Hornsher,	Taylor,	Ziesenheim,
Crowe,	Kephart,	Thomas,	Ealy,
Deltrick,	Letzler,	Tyler,	Pres. Pro. Tem.
Edmonds,	Mallery,	Wade,	

NAYS—16

Barr,	Dent,	Jaspan,	McQuiddy,
Carr,	DiSilvestro,	Lanius,	Mundy,
Coleman,	Frey,	McCreesh,	Ruth,
Cox,	Haluska,	McGinnis,	Shapiro,

So the question was determined in the affirmative.
Mr. MUNDY. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Geltz.
The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?
Mr. GELTZ. I will, Mr. President.
Mr. MUNDY. Mr. President, I want to know if the Senator from Allegheny, in his capacity as Floor Leader of the majority, when he brusquely answers interrogations of minority members, and he dismisses them in such a manner, if he is speaking for himself, or if he is speaking for some of the very fine gentlemen I know on the other side.
Mr. GELTZ. Mr. President, I consider that a very impertinent question, but I will answer it. I am speaking for myself, Mr. President, and also as the Majority Floor Leader.

Now, Mr. President, as to whether or not my answers are brusque is a matter of opinion. Some of my colleagues on the other side might feel that way because they do not get the answers to questions they would like to get, although they may be wrong that those answers are brusque.
In further answer I would like to state, Mr. President, that for a period of about five months in this session I was on my feet very little in this Senate, and my colleague, who is interrogating me at this time, can not say that for himself, so I think maybe I am entitled to have the floor for a little while right at this time.
Mr. MUNDY. Mr. President, without any egotism, I want to say when I get on the floor I feel I speak with intelligence. I have tried to elucidate the points at hand very clearly. I have tried to play the game very fairly and honestly. I have never knowingly answered a colleague on this floor flippantly, or, let us put it more frankly, brutally dismissed what I thought were some intelligent questions.
Now, Mr. President, I do take exception, and I believe I have average intelligence, to some of the methods and

tactics of the legislative procedure on this floor. I have seen other men in a capacity of leadership who have stood the strain, who have stood the test, and who have not become so excited or tense or irritable, in other sessions and who have always first hand tried to consider that some others on the floor of the Senate have stayed just as long as he has and have undergone the same things as he has, and they have been subjected to the same irritations as he has.

So, Mr. President, if the gentleman from Allegheny objects to the fact that I get on the floor at intervals, I am very, very sorry, because if by my getting on the floor I have in any way taxed his capacity or patience, then I apologize to the gentleman, but I do know that way down in the lower form of animal life there is such a thing they call a sponge, which will absorb just so much moisture and when it gets to that degree it is saturated.

Mr. GELTZ. Mr. President, the apology of my colleague from Luzerne, Dr. Mundy, is accepted.

SENATE BILL No. 1306 ON SECOND READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1306 on second reading, page 28 of the Calendar.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1306, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO PROCEED WITH CALENDAR

Mr. DENT. In order that we may carry on the business of the session orderly, I now ask that the Chair take up the Calendar where we left off, on page 21, Senate Bill No. 774, and I ask that it be read for the second time.

The PRESIDENT PRO TEMPORE. Is there objection?

Mr. GELTZ. Mr. President, was Senate Bill No. 1306 read the second time?

The PRESIDENT PRO TEMPORE. It was.

MOTION THAT SENATE RECESS

Mr. GELTZ. Then, Mr. President, at this time I move that the Senate recess for ten minutes.

The PRESIDENT PRO TEMPORE. Is there objection?

Mr. DENT. Mr. President, I do not object to a recess, and I do not doubt you have the votes and they can do as they please, but motions are always in order, I believe.

The PRESIDENT PRO TEMPORE. It has been moved

by the gentleman from Allegheny, Mr. Geltz, that we take a recess for ten minutes.

Mr. SHAPIRO. Mr. President, a motion to adjourn is always in order, but a motion to recess is like any other motion. There was a motion made by the gentleman from Westmoreland, Mr. Dent, which was seconded, and which I think should be disposed of before any other motion can be acted on.

The PRESIDENT PRO TEMPORE. The Chair did not hear any seconding of the motion.

Mr. SHAPIRO. It was seconded by two people, Mr. President.

The PRESIDENT PRO TEMPORE. In view of the statement of the Senator from Philadelphia, that there was a motion made by the Senator from Westmoreland, and that it was seconded, the Chair feels that motion should be disposed of first.

Will the gentleman from Westmoreland repeat his motion?

Mr. DENT. Mr. President, I know there is no use butting your head against a stone wall. I am not one who runs from a fight or shirks a battle. However, I know the motion will be voted down.

MOTION WITHDRAWN

Mr. DENT. Therefore, Mr. President, I withdraw my motion, with permission of the Democratic Senators who seconded the motion, so that the motion of the gentleman from Allegheny that we take a recess will be in order.

The PRESIDENT PRO TEMPORE. The Chair understands the gentlemen who seconded the motion of the gentleman from Westmoreland have withdrawn the seconding. Therefore, the motion of the Senator from Allegheny is now before the Senate.

Mr. GELTZ. In explanation, Mr. President, of the motion to recess, I might state the reason for the request was to enable the Committee on Welfare, Public Assistance and Pensions and the Committee on Education to each hold a short meeting.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO TEMPORE. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. LETZLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LETZLER, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 1315, entitled:

An Act to reenact and further amend the title and the provisions of the act, approved the twenty-fifth day of May, one thousand eight hundred ninety-seven (P. L. 83), entitled "An act to provide for the maintenance, care and

treatment of the indigent insane in county and local institutions," as amended, by reviving said act for a limited period of time and including institution districts within the act, in conformity with existing law.

He also, from the Committee on Welfare, Public Assistance and Pensions, reported as committed Senate Bill No. 1316, entitled:

An Act to further amend section three hundred nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," by authorizing county institution districts to adopt a supplemental budget and to borrow money to operate institutions for mental patients heretofore transferred to the Commonwealth.

He also, from the Committee on Welfare, Public Assistance, and Pensions, reported as committed, Senate Bill No. 1317, entitled:

An Act to reenact and further amend the title and section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 707), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions," by reviving the provisions of said act for a limited period of time; further fixing the liability of counties, institution districts and the Commonwealth; and conforming the title and the act to existing law.

Mr. WADE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE, from the Committee on State Government reported as committed, Senate Bill No. 1314, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth, certain land upon which the historic Fort Roberdeau once stood in Blair County as a memorial; providing for the control, management, supervision, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

Mr. HOMSHER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOMSHER, from the Committee on Education, reported as amended, Senate Bill No. 598, entitled:

An Act to add section two thousand two and one-tenth to the act approved the eighteenth day of May, one thou-

sand nine hundred eleven, (P. L. 309), entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for the cooperation with other agencies in furthering national defense programs and activities.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unananimous consent that Senate Bill No. 774, (House Bill No. 1282), on second reading, entitled:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 851, (House Bill No. 1442), entitled:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 890, (House Bill No. 139), on second reading, entitled:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT. Before the request of the gentleman from Philadelphia is acted upon, may I interrogate the gentleman?

The PRESIDENT PRO TEMPORE. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. STIEFEL. Gladly, Mr. President.

Mr. DENT. Mr. President, will the gentleman from Philadelphia state why he is asking that this bill go over in order?

Mr. STIEFEL. Mr. President, I have given this bill a lot of study, and I feel that the bill ought to be amended. I have completed my amendments, but I am not ready to introduce the amendments before to-

morrow, and for that reason, I ask that the bill go over in order.

Mr. DENT. Mr. President, out of consideration for the gentleman from Philadelphia, if he says he will offer his amendments tomorrow, I will agree that the bill go over in order, but if the gentleman from Philadelphia does not offer his amendments tomorrow, I will oppose any further delay on the bill.

Mr. THOMAS B. WILSON. Mr. President, I am very bitterly opposed to this bill, as everybody knows, that is now before this Senate and I object to it going over in order. It has been on this Calendar for a long time and it has been considered, and I want a roll call on it. I refuse to consent to it going over in order. I refuse.

The PRESIDENT PRO TEMPORE. There is objection to the bill going over in order.

Mr. SHAPIRO. Mr. President, may I interrogate the gentleman from McKean?

The PRESIDENT PRO TEMPORE. Will the gentleman from McKean permit himself to be interrogated?

Mr. THOMAS B. WILSON. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I am in the same position as the gentleman from McKean. I oppose this bill, but I should like to call to the attention of the gentleman from McKean the fact that there may be more votes in favor of the bill than against it.

Mr. THOMAS B. WILSON. Mr. President, I expect the bill to pass in spite of everything I can say against it. I might say to the Senator from Philadelphia that I expect to take the floor against this bill and oppose it. It is opposed to the policies of Pennsylvania for over a hundred years, and is one of the worst bills that has been before this Senate in the last fifty years, I expect the bill to pass in spite of everything I can say, but I am still going to oppose it.

Mr. SHAPIRO. Mr. President, may I interrogate the gentleman from McKean?

The PRESIDENT PRO TEMPORE. Will the gentleman from McKean permit himself to be further interrogated?

Mr. THOMAS B. WILSON. I will be very glad to be interrogated, Mr. President.

Mr. SHAPIRO. This bill not only enlarges the jurisdiction of aldermen and justices of the peace, but it takes away from magistrates in Philadelphia the existing jurisdiction which they now have. I think that was probably inadvertently done. Will the gentleman from McKean have objection to this bill going over in order to take out the brackets that bracket out the magistrates, so in case the bill does pass, at least we will get the protection we are entitled to, and I think that is the purpose of the amendment to be offered by the gentleman from Philadelphia, Mr. Stiefel.

Mr. THOMAS B. WILSON. Mr. President, may I say to the gentleman from Philadelphia, Senator Shapiro, that this is the most peculiar bill that has ever been presented to the Legislature. It does not say "we now enlarge the jurisdiction of the court," but it goes back to 1879, and takes a bill that the courts of Pennsylvania have construed, and have said it means certain things, and this bill says we now change and reverse the courts of Pennsylvania when they said it means those things, and say it means something else. The act of 1879 attempted to do this same thing, but the courts of Pennsylvania said it did not do it, and now this peculiar act of Assembly

attempts to go back and read into the act of 1879 an interpretation of what that act means, after sixty-two years. This bill says the act does not mean what the courts of Pennsylvania says it means, sixty-two years later.

Mr. SHAPIRO. Mr. President, will the gentleman from McKean object to our protecting ourselves against the inevitable passage of this bill, by permitting us to strike out the amendment which takes away from the magistrates in Philadelphia the jurisdiction which they now have. That is all I want. I would like the gentleman from McKean give us opportunity to make those amendments on second reading, because if this bill now passes second reading, we will have to have unanimous consent to make the amendments.

Mr. THOMAS B. WILSON. Of course, Mr. President, I will have to accede to the request of the gentleman from Philadelphia, as any Senator would, but I do say this bill has been on the Calendar for a long time, and it is one of the most miserable bills presented to this Legislature. There is not any member of this Senate who can sit down and take that bill and tell us what it means unless you diagram it. However, I must accede to the request of the gentleman from Philadelphia, because the bill is a miserable bill, and I can not see anything else to do.

Mr. DENT. Mr. President, the question of whether or not it is a miserable bill is just a matter of opinion.

Mr. THOMAS B. WILSON. That is right, Mr. President.

Mr. DENT. Mr. President, we laymen here who are not lawyers thing it is a pretty good bill, and I predict now there will not be a lawyer that will vote for the bill for obvious reasons.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 966, (House Bill No. 955), entitled:

An Act to amend section nintey-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating use of gill-nets in boundary lakes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1109, (House Bill No. 957), entitled:

An Act to amend the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625) entitled "An act providing for the creation mainte-

nance and operation of a county employes' retirement system in counties of the third class and imposing certain charges on counties" extending and further regulating such retirement systems/

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1112, (House Bill No. 1572), entitled:

An Act to amend the act approved the second day of March one thousand nine hundred thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended by extending enlarging and removing the limitations upon the class of those who may become chattel mortgagees by making further provisions respecting the fees of recorder of deeds in connection with chattel mortgages the extension of the lien and defaults of said mortgages and by defining violations and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1118, (House Bill No. 687), on second reading, entitled:

An Act to further amend the title and section one of the act approved the third day of May one thousand nine hundred and nine (P. L. 424) entitled "An act providing that in all counties having more than five hundred thousand inhabitants advertisements and notices required by law or rules of court to be published in newspapers of general circulation unless dispensed with by special order of court shall be published in the legal newspapers issued at least weekly of the proper county designated by rules of court for the publication of court or other legal notices" as amended extending the provisions of the said act to counties of the sixth class

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1121, (House Bill No. 909), on second reading, entitled:

An Act to further amend section three hundred three of and to add section three hundred seven of the act approved the twenty-fifth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importance traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to

local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by providing for the appointment of assistant managers in Pennsylvania Liquor Stores and by establishing minimum salaries for certain employes of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? Mr. HALUSKA. Mr. President, I object.

MOTION THAT SENATE BILL, No. 1121 (HOUSE BILL No. 909) GO OVER IN ORDER

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1121, (House Bill No. 909), go over in its order.

Mr. MILLER. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT PRO TEMPORE. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Allegheny state the reason for asking that this bill go over in its order.

Mr. GELTZ. I will, Mr. President. A sub-committee has been appointed to investigate into some matters in connection with this bill, particularly for the reason that this bill, if passed, will be the first bill of this kind, to set salaries of employes in various state departments, and the committee is trying to see if some arrangement can not be worked out so that a satisfactory agreement can be reached in connection with the subject matter of this bill.

Mr. HALUSKA. Mr. President, may I interrogate the gentleman from Allegheny?

The PRESIDENT PRO TEMPORE. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. HALUSKA. Mr. President, does the gentleman from Allegheny have any knowledge when the sub-committee might report its findings?

Mr. GELTZ. Mr. President, unfortunately I am not a member of the sub-committee and therefore I have no knowledge as to when it will make its report, but I would think it would be very shortly, because there is not too much time left.

Mr. HALUSKA. Mr. President, can the gentleman from Allegheny tell me what date the sub-committee was picked?

Mr. GELTZ. The sub-committee was picked today. I do not know what difference that makes, but if it makes any difference, it was today.

Mr. HALUSKA. It makes a lot of difference. Would the gentleman from Allegheny mind reading me the names of the sub-committee?

Mr. GELTZ. I do mind, Mr. President, and I refuse to give the names of the sub-committee.

Mr. HALUSKA. Thank you.

Mr. WALKER. Mr. President, do I understand that the gentleman from Cambria, Senator Haluska, insists on his objection? If he does, I would like to suggest to him that it is our understanding that the Liquor Control Board can increase salaries without an act of the Legislature, and what we are trying to work out is this: nobody is more deeply interested in seeing that there is a fair wage for persons employed by the Commonwealth, including the Liquor Control Board, than are the members on the right side of the aisle. The problem is this, as has been explained or suggested by the gentleman from Allegheny, Senator Geltz, that this will be the first time that the Legislature has ever built a floor on the salaries paid state employes. Under these classifications, the Liquor Control Board is faced with the peculiar situation where they have the responsibility, as well as the right, under our present setup, to recommend salaries of certain classifications to the salary board, those salaries must be approved by the Salary Board, the Liquor Control Board would like to make certain recommendations. However, they have to work out with the salary board the classifications of these employes that are involved. Some members of the salary board are of the opinion that if we increase these wages, we should in turn increase the wages of similar classifications, and they are trying to point out the work done by the employes involved in this particular bill, and compared it to the work done, for example, by hundreds of stenographers employed on Capitol Hill, and the Liquor Control Board is trying to keep the classifications correct and we are trying to work out something with them so we do not destroy the precedent that has been established here in the Commonwealth. It is not our desire to kill the bill, it is our desire to work something out that will not haunt us in years to come, because as the gentleman from Cambria well knows, we are not legislating for today or tomorrow, but for a long line of tomorrows I remember very distinctly last week the gentleman from Cambria was willing to make the supreme sacrifice and offer himself as a candidate for Governor of Pennsylvania, and I am sure if he becomes Governor of the Commonwealth he will not want this precedent that has been established by a long line of famous Governors broken at this time.

Mr. HALUSKA. Mr. President, I will withdraw my objection. I am fully aware of the fact that the Liquor Control Board can raise salaries of their employes, but they have not. I have been aware of that fact for many many years, but when they fail to do so, I think the employes have a right to bring their problem to this body, which they have done now, and when that board fails to act we should act.

I think every man in this body agrees that the employes of the Liquor Control Board are very much underpaid, and as my colleague from Westmoreland has said, we have been dilly-dallying around now for four or five months getting no place.

Mr. President, I will withdraw my objection, but I sincerely hope that within the next day or two this bill will receive due consideration.

Mr. DENT. Mr. President, I might suggest to the gentleman from Allegheny, Mr. Walker, that when he has the salary board in the mood of working out something, that they might work out better than eighty-five dollars a month for the men and women in the state employ, par-

ticularly those persons who work around the Capitol, running elevators and so on, who have to buy a loaf of bread, the same as the rest of us, and who have to pay the increased prices for potatoes, and butter and eggs and so on.

Mr. WALKER. Mr. President, I assure the gentleman from Westmoreland if and when I get the salary board in the mood, I will see that everybody gets an increase in wages.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1135, (House Bill No. 223), entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township Lancaster County or so much thereof as may be necessary as a memorial providing for the control management supervision improvement restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1166, (House Bill No. 1686), on second reading, entitled:

An Act relating to certain civil rights and liabilities of persons in the armed service of the United States providing for the suspension of the enforcement of certain civil liabilities providing for the re-employment of such persons upon completion of such service and imposing penalties

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection?

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT PRO TEMPORE. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. HALUSKA. Mr. President, will the gentleman from Allegheny tell me why he wishes this bill to go over in order?

Mr. GELTZ. Mr. President, I ask that this bill go over in order so that some of the Senators who are very much interested in the bill may have a little further time for study. This bill is twenty-eight and one quarter pages long, to be exact, and some of the Senators feel they have not had sufficient time to make as complete a study as they would like to make.

Mr. HALUSKA. I thank the gentleman from Allegheny. I will withdraw my objection, Mr. President.

And the question recurring,
Will the Senate agree to the motion?
It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1174, entitled:

An Act to amend the act, approved the twentieth day of May, one thousand nine hundred and thirty-seven (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation," as amended, by providing for the payment of fees and expenses of the members of said board not properly chargeable as costs of proceedings before it, further prescribing procedure, and further defining the jurisdiction of said board

And said bill having been read at length the second time and agreed to,

On the question,

Will the Senate agree to the bill on second reading?

Mr. WALKER. Mr. President, I desire to interrogate the gentleman from Montgomery.

The PRESIDENT PRO TEMPORE. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. I will, Mr. President, with pleasure.

Mr. WALKER. Mr. President, I would like to direct the attention of the gentleman from Montgomery to page nine of the bill. I am reading from printer's number 557. I would like to inquire from the gentleman—at the beginning of line 7—when this act will become effective? There are two effective dates in there, and they are slightly confusing and I thought perhaps the gentleman from Montgomery could straighten me out on that.

Mr. EDMONDS. Mr. President, I had not noticed that. I think possibly there is an error there, and I think this bill ought to go over in order, if the Senator from Allegheny has no objection. This is an administration bill, and I do not know what the desire of the administration is in this matter.

Mr. WALKER. Mr. President, I am not desirous of having this bill go over in order another day, but it simply is very confusing.

Mr. EDMONDS. Being confusing, Mr. President, it will have to be amended; and I do not know which date will be the amended date.

Mr. WALKER. Mr. President, we do not know which date will be the amended date.

Mr. EDMONDS. We can amend it on third reading.

Mr. SHAPIRO. Mr. President, this bill does not require amendment. This bill, according section 8, provides that this mandatory act shall become effective the first day of June, 1941. Section 14 is the old act, and this merely rectifies the original effective date of the old act. The mandatory act has the proper effective date and does not require amendment.

Mr. EDMONDS. Mr. President, is that not an impossible date, June 1, 1941?

Mr. SHAPIRO. Not an impossible date, Mr. President; retroactive. I do not see why this bill can not be made retroactive. As I understand it, these are expenses that have been incurred or might be incurred by the Board of Arbitration on a particular case. I can see no reason why there can be any particular objection to making this act effective as of June 1st.

Mr. EDMONDS. All right, I will withdraw my request that it go over in order.

Mr. SHAPIRO. Mr. President, this effects only the Commonwealth. The Commonwealth pays these costs.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1206, (House Bill No. 1621), on second reading, entitled:

An Act to add section forty-three to the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" authorizing compromise of tax claims in cases where there is a dispute as to the domicile of the decedent

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1238, (House Bill No. 1648), on second reading, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1005) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended by changing registration years fractions of registration years operator's license years extending

the time for exemption from fees for transfer of registration to conform with changed registration year reducing operator's license fee and giving the secretary power to determine whether certain motor vehicles are of tractor type

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection?
The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1269, (House Bill No. 1652), on second reading, entitled:

An Act to further amend sections eight and eleven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspensions of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by giving the secretary discretionary power under certain circumstances to suspend operators' licenses and providing for notice and hearing before suspension of licenses and registrations

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection?
The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1305, (House Bill No. 1919), entitled:

An Act to amend sections 103 301 304 305 307 308 310 311 401 402 403 404 405 410 501 502 503 505 506 508 510 511 512 513 703 801 802 803 804 807 808 809 904 1003 and 1101 of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto

providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission enabling certain officers employees and agents to administer oaths providing the method and effect of service of certain orders and the posting of rules regulations and certain orders enabling employees of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders requiring milk dealers or handlers to be licensed stating grounds for refusal suspension revocation of licenses and the right to transfer licenses stating grounds for refusal of the right to apply for a license stating the effect of service by registered mail enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers prescribing the effective date and term of such bonds and providing for their release providing for the increase or decrease of the amounts of bonds prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds providing for payment to those entitled thereto of moneys in the hands of the commission owing from dealers or handlers to producers and from sub-dealers or subhandlers to dealers or handlers increasing the scope of regulation of sub-dealers or subhandlers making certain information available to cooperatives and producers' groups clarifying the requisites of orders fixing prices for milk providing for the competency of certain statistical testimony and data providing that all provisions of price-fixing orders shall be presumed to be valid and placing the burden of proving any invalidity of any order or part thereof stating the effects of partial invalidity of price-fixing orders defining violations of orders of the commission fixing prices making milk dealers or handlers responsible for acts of their directors officers agents or other persons acting for or on behalf of them giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk further regulating and imposing duties on milk dealers or handlers prescribing procedure on appeal from orders of the commission further defining and prescribing penalties defenses rights and remedies and providing for the payment of funds in the hands of the commission owing producers or dealers or handlers to those entitled thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1308, entitled:

An Act to further amend the first paragraph of section three of the act, approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 912) entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the

Department of Agriculture; and providing penalties," by extending the exception from registration and licensing requirements.

Mr. HEYBURN. Mr. President, I desire to offer the following amendments.

Amend the title, page 1, first line of title by inserting after the word "To" the words: "amend section one"; Amend the title, page 1, first line of title by striking out the words "the first paragraph of"; Amend the title, page 1, first line of title, by inserting after the word "three" the words: "and to reenact section six"; Amend the title, page 1, next to last line of title by striking out the word "extending" and inserting in lieu thereof the words: "redefining "bakery"; removing"; Amend the title, page 1, last line of title by inserting after the word "requirements" the following: "requiring registered bakery products to show the fact of such registration; making it unlawful for any person to sell, offer for sale or have in possession with intent to sell unregistered bakery products, or to import bakery products, from bakeries not licensed hereunder; and making possession prima facie evidence of intention to sell"; Amend sec. 1, page 1, line 1, by striking out the words: "The first paragraph of section three" and inserting in lieu thereof the words: "Section 1"; Amend sec. 1, page 2, line 5, by striking out the word "manufacture" and inserting in lieu thereof the word: "manufacture"; Amend sec. 1, page 2, line 7, by inserting after the word "penalties" the following: "is hereby amended to read as follows:

Be it enacted, &c., That—Definitions. The following words and terms, as used in this act, shall be construed as follows:

"Bakery" means and includes all buildings, and parts of buildings, cellars and basements, used for the manufacture and handling of bakery products intended for sale, and for the mixing and other preparation of ingredients and materials entering into the manufacture of bakery products, where more than fifty pounds of flour flour substitute, flour mixture, or potatoes are used each week in the preparation of such products.

"Bakery products" means and includes bread, rolls, cakes, cookies, crackers, ice cream cones, crullers, doughnuts, biscuits, pies, macaroni, spaghetti, noodles, alimentary pastes, pretzels, potato chips, and all other products whatever manufactured in a bakery and intended for human consumption, as well as the ingredients and materials entering into their manufacture.

"Person" means an individual, copartnership, association, and corporation.

"Department" means the Department of Agriculture of the Commonwealth of Pennsylvania.

Section 2. Section three of said act,

Amend sec. 1, (sec. 3) page 2, line 23, by striking out the word "bakeies" and inserting in lieu thereof the word: "bakeries"; Amend sec. 1, (sec. 3) page 2, line 27 by inserting a light-face bracket before the word "Provided"; Amend sec. 1, (sec. 3) page 2, line 27 by striking out the light-face bracket before the word "in"; Amend sec. 1 (sec. 3) page 2, line 28, by striking out the light-face bracket after the word "Pennsylvania"; Amend sec. 1 (sec. 3) page 3, line 1, by striking out the word "poductst" and inserting the word: "products"; Amend sec. 1, (sec. 3) page 3, line 3, by inserting a light-face

bracket after the word "license"; Amend the bill, page 3, by inserting between lines 3 and 4 the following:

The application for a license and registration shall be made on a form to be supplied by the department, and shall show trade names of all products and principal address of bakery. The application shall have attached thereto the affidavit of the person applying for the license that the facts set forth therein are true and correct.

From and after the first day of January, one thousand nine hundred and thirty-four, it shall be unlawful for any person to operate a bakery for the manufacture of bakery products unless said bakery is duly licensed in accordance with the provisions of this act.

Upon approval of application for registration and license and payment of required license fee, and also upon approval of sanitary conditions, in a bakery and every store or shop connected therewith, the Department of Agriculture shall issue to each applicant a license or certificate of registration, which shall expire at the end of each calendar year, and which will authorize the operation of said bakery and the baking, compounding, manufacturing, and sale of said bakery products for the calendar year, or portion thereof, for which a license or certificate of registration shall be issued.

All wrappers, caddies, boxes, packages or containers of any kind whatsoever, in which bakery products shall be wrapped, packaged, boxed or contained shall be printed or marked in a clear and legible manner with the trade name or kind of bakery product which it purports to be, and with the name of the bakery manufacturing such bakery product, or with the name and address of the distributor or wholesale dealer distributing such bakery product, preceded by the words "distributed by" or followed by the word "distributor," as the case may be, and in all cases, the words "Registered with Pennsylvania Department of Agriculture" or any abbreviation thereof approved by the department: Provided, That when transparent wrappers are employed, such printed or legible statement may be inserted in a conspicuous position between such transparent wrapper and the top of the loaf or other bakery product, or by printed band or wrapper around the top of the loaf or other bakery product.

Section 3. Section 6 of said act, as added by section two of the act approved the first day of July, one thousand nine hundred thirty-seven, (P. L. 2676) is hereby reenacted as follows:

Section 6. Sale and Importation of Bakery Products—It shall be unlawful for any person—

(a) To sell, offer for sale, or have in his possession with intent to sell, a bakery product which is not registered with the department as provided in this act. Possession of any bakery product shall be deemed prima facie evidence of an intent to sell such bakery product.

(b) To import into this Commonwealth for sale within this Commonwealth any bakery products manufactured in a bakery in another state that is not licensed according to the laws of this Commonwealth.

Amend sec. 2, page 3, line 4, by striking out the figure "2" and inserting in lieu thereof the figure: "4."

On the question,

Will the Senate agree to the amendment?

Mr. SHAPIRO. Mr. President, I suggest that the hit and run amender stay here while these amendments, which

are wrong, are being re-checked. If this gentleman wants to hit and run, it is too late in the night to do it.

I would like the Reading Clerk to begin on page 3, line 3, and let us have the beginning of that amendment, that long amendment.

The clerk re-read the amendment.

Mr. SHAPIRO. Where does the bracket before that begin? Will the Clerk return to section 1, page 2, line 7, after the word "penalties"?"

The Clerk again read the amendment.

Mr. SHAPIRO. Then we have a long amendment. What is after the long amendment?

The Clerk again read from the amendment.

Mr. SHAPIRO. You have left all that in. That leaves all of line 7, after the word "penalties" in the bill, and of course, confuses the amendment. You have a new description of what the words mean. What is the last part of that amendment?

Mr. HEYBURN. Mr. President, this bill was introduced by the Honorable President Pro Tempore by request.

Mr. SHAPIRO. Not the amendments.

Mr. HEYBURN. The amendments came from the Department of Agriculture, and were compared by the Attorney General's department. I assume they are right, I do not know; Attorney General Shapiro does not think so, however, but maybe Attorney General Shapiro is wrong. No one knows.

The Clerk again read the amendments.

AMENDMENTS WITHDRAWN

Mr. HEYBURN. Mr. President, I withdraw the amendments.

The PRESIDENT. Is there objection? The Chair hears none.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT PRO TEMPORE. The Senator from Warren will state his question of personal privilege.

Mr. CHAPMAN. Mr. President,

WHATS WRONG WITH THE UNITED STATES

In a recent address, the Right Rev. James E. Freeman, Episcopal Bishop of Washington, sounded a note that must be listened to by every man, woman and child in the United States. In commenting on the situation faced by the United States in the present World crisis he said: "America must wake up to the fact that she has an army in the field. When we think of our honored dead, let us also think of the honored living. The security of this nation is not in its armed forces alone. We need an aroused and an awakened people. America is taking the situation sitting down. It is unbecoming of the church to advocate war, but I say to you: 'Look to it that all the decencies of this life are maintained. Take your Christian religion

as you have never taken it before, else the fate of France be the fate of America."

Into those words are packed the most thought provoking ideas that it is possible to utter. There is aroused a picture of our marching armies being trained in the most modern methods of mass killing: The youthful faces under the grim tin hats; the young powerful arms bearing most modern rifles with the bayonets that tear into the vitals of an enemy; the tanks spewing fire; the flame throwers with white hot heat that burns away fortifications and roasts alive, the men in pill box gun emplacements are all destroyed. Then, too, comes the picture of the factories wherein the instruments of war are fashioned; the cupola where molten metal runs into moulds for gun, shell and battleship; the long assembly lines where the motorized equipment is formed; the planes winging from factories and into the air; the girls working with high explosives and putting caps, detonators on bombs and shells. And finally the home and church, calm and placid where the alarms of war scarcely enter and where there is little change in thought or mode of living despite the fact that sons have marched away "to train" and fathers are working overtime to provide the sinews of war for the sons.

Yes, "America is taking the situation sitting down." Despite the forceful appeal of the officials of the government and by the Commander-in-Chief of our Army and Navy, the direful threats of our nation are not being realized. The same demeanor that has marked our way of life for years is being followed. The zest of pleasure continues. The bigger payrolls are affording more opportunity to take pleasures than the depression denied to many. The expanding demand for men and women in factory and shops has seemingly only enlarged the scope of the fun to be enjoyed. The appeal to reason and to the consciousness that America faces the greatest crisis since the Revolutionary War has not been driven into the hearts and minds of the people.

While America's industry strains to fulfill the demands of our leaders for "guns and more guns," "ships and more ships," "planes and more planes," "shells and more shells" the average man in the street seemingly has little realization that these are fateful hours.

America is endeavoring to do its utmost to protect its people from the ravages of the war-mad dictators and their panzer formations; their bombers and bombs; their subtle propaganda that would lull to sleep fears that are roused by the onward march of Hitler's hordes. There must be united effort if we are to continue our way of life.

Over the past week end, I saw groups of smiling, ruddy faced youngsters attired in the Boy Scout uniform proudly waving their flags, bearing packs on their backs, marching away to scout camp. What a picture it was of a way of life under the Stars and Stripes. Out to the wooded dells to camp and learn of the trees and birds. To hear the song of the forest, chirp of crickets, the hum of bees and the lilting trill of birds swinging from green branches in the trees. Imbiding the air of freedom from the rocks and rills amid the woody hills. Contrast that, if you will with the boys of Germany and Italy of the same age as our Scouts marching off to camp. German lads goose-stepping in close formation being given the rudiments of army drill and being inoculated with a desire for war and being taught to "die for the Fuhrer." No love of nature for them, no song of birds, and no thrill for native

land except as it affects "der Fuhrer." Parentage is forgotten and the words "Father and Mother" have lost their savor. Then to Italy where "The Sons of the Wolfe" drill and march, march and drill endlessly, that Il Duce may have glory. Family life is secondary; only the state is supreme.

Shall we lose our right to have our sons free and untrammelled by the shackles of government? Shall we continue to have our laddies enjoy the woodlands and meadows? Shall we turn them from laughing, sunny faced youngsters into grim, smileless independents, drilling endlessly to become cannon fodder? Shall our camps for boys and girls turn into such things as they have abroad, where promiscuous mixing of sexes occurs, that more armies may be bred and the dictators have more souls to use as pawns in the game of war?

And when one thinks over the decencies of life as enjoyed under our free form of government, the truth of the words of Bishop Freeman rings out. "Look to it that all the decencies of this life are maintained. Take your Christian religion, as you have never taken it before, else the fate of France will be the fate of America."

I for one am justly wrought in heart and soul over the future. There does not seem to be in the hearts and minds of the people, a realization that we must lay aside our pleasures, many of them; that we must cease useless expenditures and give to the government for bonds that will pay for the huge armaments that are needed for defense. We must give to the various organizations that are working hard to maintain the morale of our boys in camps, on ship and at the new far flung army posts. It calls for a deep searching of hearts to find what each of us can do to help in this hour of need.

As I see it every day witnesses a further lowering of the curtain on the free people of the world. Gradually there is a sinking of heart and hope, and only by united effort can we avert a catastrophe in our nation. We must awaken!

One of the efforts to which we must all give our best endeavors is in the formation of the local branches of the State Council of Defense. Proclaimed by our Governor after a careful scanning of the situation our State Council of Defense is a part of a great National Group. From it will spring the men and women who will co-ordinate our efforts at protecting our homes. Should the great planes of any enemy threaten our homes and shops, men and women from civil life must swing into action. They must act as observers, wardens for fire protection, nurses to care for wounded, care tenderly for children, and perform a thousand and one duties to preserve morale, save life and preserve to the last vestige the freedom of life.

While threat of invasion seems far away, there must be a keener effort displayed in every effort to halt invaders at our shores. We must be organized to meet any emergency and the civilians of the land will bear much of the burden of war. The brave men and women of Great Britain have set a noble example as contrasted with the pleasure living French. France bared its teeth in laughter and Great Britain bared its back in travail and is nobly holding up the lamp of faith and liberty.

God grant that we have the strength to lay aside paltry pleasures and face without fear or misgivings the great tasks that lie ahead. We have just celebrated the Fourth

of July, our birthday of independence, and in the spirit of justice and liberty for all, may we unite and take up the burdens that will chafe our bodies and souls. Make us strong, Oh! God and make us brave that at home we may ably second the armies in the field and let us not forget that "our native land" demands that we be true, prayerful and united in our endeavors to rid the earth of the ideology that our Democracy is the wrong form of government and that only under dictators are we strong.

HOUSE MESSAGE

RESOLUTION RECALLING HOUSE BILL No. 1543, (PRINTER'S No. 1075), FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, July 7, 1941.

Resolved (if the Senate concur), That House Bill No. 1543, (Printer's No. 1075), entitled:

An Act providing a method for supplying, perfecting and recording birth records of certain person whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court

be recalled from the Governor for further consideration. Mr. KEPHART. Mr. President, I move that the Senate concur in the Resolution.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT FROM COMMITTEE

Mr. WADE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. WADE, from the Committee on Agriculture, reported as amended, Senate Bill No. 558, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and the regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health and Secretary of Agriculture; establishing a Dairy Advisory Council in the Department of Health; conferring powers and imposing duties thereon; defining certain qualities for milk; providing for inspection of and standards for dairy farms and milk plants; providing for the administration of the act and the establishment of rules and regulations thereunder, and for appeals to the Court of Common Pleas of Dauphin County; and imposing penalties.

SENATE BILL No. 501, (HOUSE BILL No. 710), ON THIRD READING POSTPONED, CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 501, (House Bill No. 710), on third-reading, postponed, page 30 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 501, (House Bill No. 710), entitled:

An Act to enable tax collectors and receivers of taxes to make return to the county commissioners of unpaid taxes assessed on seated lands for certain years and validating the liens of such taxes

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill on third reading?

Mr. GELTZ. Mr. President, I ask unanimous consent to amend Sec. 1, page 1, lines 6 to 10, by striking out the following: "one thousand nine hundred and" in line 6, and all of lines 7 to 10, both inclusive; Amend Sec. 1, page 2, lines 1 to 3, by striking out the following: all of lines 1 and 2, and the words "thirty-seven" in line 3; Amend Sec. 1, page 2, line 3, by striking out the word "or"; Amend Sec. 1, page 2, line 4, by inserting after the words "thirty-nine" the following: "or one thousand nine hundred and forty."

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

SENATE BILL No. 740 ON SECOND READING
POSTPONED, CALLED UP

Mr. EDMONDS. Mr. President, I now call up Senate Bill No. 740, on second reading, postponed, page 36 of the Calendar.

Mr. COLEMAN. Mr. President, I second the motion. The motion was agreed to.

BILL DROPPED FROM CALENDAR

Mr. EDMONDS. Mr. President, I move that Senate Bill No. 740, on second reading, postponed, entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions, and imposing certain duties upon the juvenile court

be dropped from the Calendar.

Mr. COLEMAN. Mr. President, I second the motion. The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do

now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 510, entitled:

An Act to amend sections 504A, 607 and 608A of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons afflicted, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, register of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by providing for the taking of possession of the business and property of building and loan associations and savings and loan associations the shares of which are insured in the State Building and Loan Insurance Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 512, entitled:

An Act providing for the creation and for the administration by a State Building and Loan Insurance Board created in this act, of a state fund for the insurance of shares in building and loan associations and savings and loan associations; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 558, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and the regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health and Secretary of Agriculture; establishing a Dairy Advisory Council in the Department of Health; conferring powers and imposing duties thereon; defining certain qualities for milk; providing for inspection of and standards for dairy farms and milk plants; providing for the administration of the act and the establishment of rules and regulations thereunder, and for appeals to the Court of Common Pleas of Dauphin County; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 598, entitled:

An Act to add section two thousand two and one-tenth to the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof; that are or may be inconsistent therewith," providing for cooperation with other agencies in furthering national defense programs and activities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 898, (House Bill No. 1213), entitled:

An Act to amend an act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employees, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employees as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees, respectively, and providing for the compensation of such substitutes," by more fully defining the times during which the benefits shall be payable and the amount thereof and to whom payable.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1105, (House Bill No. 94), entitled:

An Act to amend section fifteen hundred and nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils, teachers, janitors or other employees.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1263, (House Bill No. 846), entitled:

An Act requiring school boards in all school districts to grant leaves of absence to all school employees who shall volunteer or be called for military or naval service in time of war or during a state of national emergency preserving certain contracts salaries increments retirement rights seniority State contributions and grants to local school boards eligibility lists re-employment authorizing school boards to employ substitutes in place of such employees reserving all rights and privileges of employees granted leaves of absence under the provisions herein superseding or repealing all contrary laws.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1310, (House Bill No. 602), entitled:

An Act to amend section eight hundred one and nine hundred seventy-six of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests, creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General imposing additional duties on county boards of elections the Secretary of the Commonwealth and the courts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1311, entitled:

An Act to further amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board"; limiting the grant of general assistance to unemployable persons; transferring the administration of this act from the Department of Public Assistance to the Department of Welfare; abolishing the Department of Public Assistance and the State Board of Public Assistance; conferring powers on the State Welfare Commission; changing the powers and duties of local boards; and imposing certain duties in respect to employable persons on the Department of Labor and Industry.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1312, entitled:

An Act to add section 2321 to the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of Trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined"; by providing for the administration of public assistance by the Department of Welfare; providing for the appointment by the Governor of an Employment Board and defining its powers and duties; conferring additional powers on the State Welfare Commission; providing for a civil service system for the employes of the Department of Welfare and Local Boards engaged in public assistance work; and repealing the provisions of this act relating to the Department of Public Assistance.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1313, entitled:

A Supplement to the Act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page 60) entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1314, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth, certain land upon which the historic Fort Roberdeau once stood in Blair County as a memorial; providing for the control, management, supervision, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1315, entitled:

An Act to reenact and further amend the title and the provisions of the act, approved the twenty-fifth day of May, one thousand eight hundred ninety-seven (P. L. 83), entitled "An act to provide for the maintenance, care and treatment of the indigent insane in county and local institutions," as amended, by reviving said act for a limited period of time and including institution districts within the act, in conformity with existing law.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1316, entitled:

An Act to further amend section three hundred nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished, revising, amending, changing and consolidating the law relating to the care of the poor, and repealing existing laws," by authorizing county institution districts to adopt a supplemental budget and to borrow money to operate institutions for mental patients heretofore transferred to the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1317, entitled:

An Act to reenact and further amend the title and section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 707), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions," by reviving the provisions of said act for a limited period of time; further fixing the liability of counties, institution districts and the Commonwealth; and conforming the title and the act to existing law.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, July 8, 1941, at 1:00 o'clock, p. m. Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:38 o'clock, p. m., Eastern Standard Time until Tuesday, July 8, 1941, at 1:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, July 7, 1941

The House met at 8 p. m.

The SECRETARY OF THE HOUSE (Dennis J. Mulvihill) in the Chair.

The SECRETARY OF THE HOUSE. I am directed by the Speaker to call the House to order and to request the gentleman from Westmoreland, Mr. Lovett, to preside until the Speaker returns to the Chair this evening.

MR. LOVETT IN THE CHAIR

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Eternal God, our Father, Thou who hast placed us into a world of grave problems and perils, give us grace, we beseech Thee, to live for Thee in a difficult time. In the hard fight between truth and falsehood, help each of us to exact truthfulness. In the desperate struggle between love and hatred, may love be victorious. In the bitter controversy between right and wrong, help us to take our place on the side of that which is right no matter what the cost may be. Keep our motives clean and our purposes honest at all times.

Tonight, our Father, we would ask Thy blessing upon this House of Representatives. Bless each member and each officer in the dispatch of the business of the House. Bless too each guest who has assembled here to observe the conduct of the House while in session. Be with our State and Nation. May those in high places not only be wisely guided but divinely guided to the end that justice and goodness shall come to all men. Amen.

JOURNAL APPROVED

The SPEAKER pro tempore. The Clerk will read the Journal of Tuesday, July 2.

The Clerk proceeded to read the Journal of Tuesday, July 2, 1941, when, on motion of Mr. BAKER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. MODELL. HOUSE BILL No. 1952.

An Act fixing the salary of the Parliamentarian of the House of Representatives.

Referred to the Committee on Appropriations.

SENATE MESSAGES

RESOLUTIONS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 107, Printer's No. 742, entitled "An act to amend section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 395), entitled 'An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation' as amended by providing that certain of such toll bridges heretofore or hereafter acquired by the Department of Highways may be free bridges from the effective date of this act or from the date they are so acquired."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 267, Printer's No. 713, entitled "An act making an appropriation to aid certain school districts."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 280, Printer's No. 583, entitled "An act making an appropriation to the Trustees of the College of Lincoln University Chester County."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 281, Printer's No. 586, entitled "An act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 305, Printer's No. 737, entitled "An act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 351, Printer's No. 600, entitled "An act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 404, Printer's No. 1059, entitled "An act relating to marriage and amending revising consolidating and changing the law relating thereto."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 472, Printer's No. 680, entitled "An act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 502, Printer's No. 783, entitled "An act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania certain land which is the site of an old fortress known as Old Garrison in the City of Franklin Venango County or so much thereof as may be necessary as a historical memorial providing for the control management supervision and improvement thereof authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison and making an appropriation."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 611, Printer's No. 773, entitled "An act providing for the acquisition by the Department of Forests and Waters in the name of the Commonwealth of certain lands in Luzerne Sullivan and Wyoming Counties for use as a State Park making an appropriation for said acquisition providing for the management of said property by said department and defining the uses to which the property shall be put."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 614, Printer's No. 616, entitled "An act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 650, Printer's No. 164, entitled "An act to amend section seven of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled 'An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the motor license fund for the purposes of this act' as last amended by providing for the changing of width lines location or grades of street in cities of the second class second class A and third class by the Department of Highways without the consent of the city in which said street is located relieving the city from liability for damages in such cases and imposing liability for damages upon the Commonwealth of Pennsylvania."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1003, Printer's No. 591, entitled "An act making an appropriation to the Moore Institute of Art Science and Industry formerly Philadelphia School of Design for Women at Philadelphia Pennsylvania."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1065, Printer's No. 599, entitled "An act making an appropriation to the National Farm School at Doylestown Pennsylvania."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.

Resolved (if the Senate concur), that House Bill No. 1068, Printer's No. 592, entitled "An act making an appropriation to the Trustees of the University of Pennsylvania."

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.
Resolved (if the Senate concur), that House Bill No. 1321, Printer's No. 602, entitled "An act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital." be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.
Resolved (if the Senate concur), that House Bill No. 1334, Printer's No. 588, entitled "An act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford." be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.
Resolved (if the Senate concur), that House Bill No. 1590, Printer's No. 572, entitled "An act making an appropriation to the Board of Trustees of the Philadelphia Museum Philadelphia." be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.
Resolved (if the Senate concur), that House Bill No. 1591, Printer's No. 634, entitled "An act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia." be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.
Resolved (if the Senate concur), that House Bill No. 1659, Printer's No. 775, entitled "An act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons associations and corporations." be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 1, 1941.
Resolved (if the Senate concur), that House Bill No. 1722, Printer's No. 836, entitled "An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor," be recalled from the Governor for further consideration.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency the Governor, which were read as follows:

APPROVAL OF RESOLUTION RECALLING
HOUSE BILL No. 107

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:
I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 107, Printer's No. 742, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.
ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.
The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING
HOUSE BILL No. 267

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:
I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 267, Printer's No. 713, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.
ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.
The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING
HOUSE BILL No. 280

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:
I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 280, Printer's No. 583, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.
ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the com-

munication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 281

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 281, Printer's No. 586, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 305

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 305, Printer's No. 737, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 351

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 351, Printer's No. 600, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 404

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 404, Printer's No. 1059, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 472

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 472, Printer's No. 680, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 502

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 502, Printer's No. 783, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 611

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 611, Printer's No. 773, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 614

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 614, Printer's No. 616, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 650

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 650, Printer's No. 164, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1003

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 1003, Printer's No. 591, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1065

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 1065, Printer's No. 599, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1068

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 1068, Printer's No. 592, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1321

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 1321, Printer's No. 602, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1334

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 1334, Printer's No. 588, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1590

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 1590, Printer's No. 572, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1591

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor

House Bill No. 1591, Printer's No. 634, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1659

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 1659, Printer's No. 775, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1722

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 1722, Printer's No. 836, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency the Governor, which were read as follows:

APPROVAL OF HOUSE BILL No. 1661

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 7, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1661, Printer's No. 1010, entitled, "An Act to amend section three of the act

approved the tenth day of May one thousand nine hundred and thirty-nine (P. L. 111), entitled 'An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws' providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 152

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 3, 1941. *

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 152, Printer's No. 13, entitled "An Act to amend section one of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 984), entitled 'An act relating to transactions between a person acting on his own behalf and the same person acting jointly with others and to make uniform the law relating thereto' by authorizing conveyances from either husband or wife to husband and wife as tenants by the entireties."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILLS Nos. 1494 and 1495

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 3, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1494, Printer's No. 695, entitled: "A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties"

House Bill No. 1495, Printer's No. 671, entitled: "A Supplement to the act approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (P. L. 2423), as amended, entitled, "An act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses from the State Employees' Retirement Fund, under the administration of the State Employees' Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the members or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 640

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 640, Printer's No. 420, entitled "An Act establishing certain public roads and streets and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway and providing for their laying out opening construction and maintenance by the Department of highways subject to certain terms and conditions."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1441

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1441, Printer's No. 771, entitled "An Act to amend routes 52037 and 52044 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No. 203) entitled 'An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act' changing certain routes in the county of Potter."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 364

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 364, Printer's No. 987, entitled, "An Act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566), entitled 'A supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents' amplifying the provisions thereof as to persons entitled to such payments"

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 317

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 317, Printer's No. 569, entitled "An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1457

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1457, Printer's No. 845, entitled "An Act establishing certain public roads in Porter Township Clarion County and Mahoning Township Armstrong County as a State highway providing for their construction and maintenance by the Department of Highways."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 61

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 61, Printer's No. 573, entitled, "An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1022

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1022, Printer's No. 1036, entitled "An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522), entitled as amended 'An act relating to dogs and the protection of livestock, poultry and game birds in captivity from damage by dogs: providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners: providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from rabies, and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes directing the payment of all moneys collected into the State Treasury; and providing penalties," permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of non-resident hunting licenses, without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania"

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 949

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 949, Printer's No. 717, entitled "An Act to further amend section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled 'An act

relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom' by imposing liability on executors administrators or trustees for real estate broker's commissions in certain cases."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 616

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 616, Printer's No. 993, entitled, "An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427), entitled 'An act to consolidate revise and amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings' providing for the fixing of bail and the admission to bail by magistrates committing magistrates justices of the peace or aldermen and the fixing of bail by coroners in certain cases involving involuntary manslaughter."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILLS Nos. 1232, 1233, 1234, 1235 and 1236

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1232, Printer's No. 754, entitled "An Act to further amend section one thousand eight hundred and four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' authorizing the council in such cities from time to time 'o make supplemental appropriations."

House Bill No. 1233, Printer's No. 755, entitled "An Act to amend section three hundred seventy of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' authorizing the county commissioners from time to time to make supplemental appropriations."

House Bill No. 1234, Printer's No. 767, entitled "An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (P. L. 1206) entitled 'An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' authorizing the township commissioners from time to time to make supplemental appropriations."

House Bill No. 1235, Printer's No. 756, entitled "An Act to further amend section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled 'An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government and institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of

Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws' authorizing the commissioners of any county institution district from time to time to make supplemental appropriations."

House Bill No. 1236, Printer's No. 757, entitled "An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' authorizing the township supervisors from time to time to make supplemental appropriations."

ARTHUR H. JAMES.

RETURN OF RESOLUTION RECALLING HOUSE BILL No. 1639

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 2, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, concurrent resolution recalling from the Governor for further consideration House Bill No. 1639, Printer's No. 775, entitled

"An act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons associations and corporations."

According to the House History the latest Printer's No. of House Bill No. 1639 was No. 1055, and it was entitled "An Act to further amend the title and the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736), entitled as amended 'Workmen's Compensation Act of 1915' by making the schedules of compensation compulsory upon all employers providing that the State Workmen's Insurance Funds shall be the sole agency in which the payment of compensation may be insured providing for the termination of existing workmen's compensation insurance contracts issued by other agencies eliminating provisions relating to self-insurance and repealing certain sections and subsections," and this bill was defeated on final passage in the House on June 25, 1941. I, therefore, do not have House Bill No. 1639 in my possession.

For this reason the concurrent resolution is not approved.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the bill together with the communication from the Governor be laid on the table.

The motion was agreed to.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. MIHM asked and obtained permission for the Committee on Cities Second-Class to meet during the session of the House.

Mr. McDERMOTT asked and obtained permission for the Committee on Cities Third-Class to meet during the session of the House for the purpose of considering House Bill No. 1851.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. BAUGHER for himself for the remainder of the week after tonight's session.

REPORTS FROM COMMITTEES

Mr. MARKS, from the Committee on Cities—Third Class, reported as committed, House Bill No. 1851, entitled:

An Act to amend sections three thousand seven hundred nineteen, four thousand four hundred one and four thousand four hundred two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by extending civil service provisions to include park guards.

Mr. KEENAN, from the committee on Cities—Second Class, reported as committed, House Bill No. 1687, entitled:

An Act to further amend section four of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 596), entitled "An act requiring cities of the second class to establish a pension for employes of said cities, and regulating the administration and the payment of such pensions," by further regulating the allowance of pensions to certain persons heretofore or hereafter dismissed.

Mr. SHAW, from the Committee on Cities—Second Class, reported as amended, House Bill No. 248, entitled:

An Act authorizing taxpayers in cities of the second class A to inspect the books and records of such cities at any reasonable time and prescribing a procedure for enforcing such right of inspection.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1930, entitled:

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire, by gift, the monument erected in Greene County to Sarah Jane Price Ackley; and providing for the control, management, supervision, and maintenance thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1831, entitled:

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the

State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by directing the Department of Health to maintain branch offices in counties of the second class for the filing of death certificates; authorizing such offices to issue certified copies of death certificates and make searches of their files; imposing additional duties upon local registrars in such counties; and prescribing fees.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1895, entitled:

An Act to amend section five of the act, approved the fourth day of April, one thousand nine hundred twenty-nine (P. L. 144), entitled "An act prescribing the powers and duties of the Department of agriculture with regard to farm products; providing for cooperation with the Department of Internal Affairs to establish standard receptacles for farm products; authorizing the Department of Agriculture to establish and promulgate standards for the grade and other classification of farm products, and to promulgate regulations for the enforcement thereof; defining farm products to include agricultural, horticultural, vegetable, fruit, and floricultural products of the soil, live stock and meats, wool, hides, poultry, eggs, dairy products, nuts, mushrooms, and honey; and providing penalties," by including certificates of the United States Department of Agriculture as evidence of grade and classification.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1733, (Senate Bill No. 262), entitled:

A Supplement to the act approved the twelfth day of June, one thousand nine hundred and thirty-nine (P. L. 335), entitled "An act creating a temporary commission to examine, report upon, and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation of the expenses of such commission," by extending the term of such commission until the next regular session of the General Assembly; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1903, (Senate Bill No. 1173), entitled:

An Act authorizing the Department of Property and Supplies to purchase coal underlying the Cresson State Sanatorium and making an appropriation therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1754, (Senate Bill No. 509), entitled:

An Act making an appropriation to the State Council for the Blind for use in supplying medical treatment, surgical operations, eye-glasses or other necessary aids or services to needy blind persons or persons with impaired vision.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1894, (Senate Bill No. 935), entitled:

An Act to amend sections six hundred four, six hundred five, and six hundred seven and to further amend section two thousand four hundred seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing officers, and of the several administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further defining the duties of the Department of Internal Affairs.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1891, (Senate Bill No. 1019), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphan School to acquire a certain tract of land for the use of said school and making an appropriation therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1674, (Senate Bill No. 374), entitled:

An Act to provide for the settlement of disputes among states with respect to domiciliary death taxes, and imposing certain duties upon the Department of Revenue, the Attorney General and executors and administrators.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1821, (Senate Bill No. 77), entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities co-extensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith, and modifying existing legislation which provided for raising revenue for State purposes," by exempting assets held by liquidating trustees.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1768, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 1937, page 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing therein as to the replacement of certain moneys received pursuant to the provisions of Section three hundred two of the Federal Social Security Act as amended.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1734, (Senate Bill No. 618), entitled:

An Act to further amend section two of the act approved the sixteenth day of June one thousand nine hundred thirty-three (P. L. 252-1933-34), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" by permitting clubs to waive or reduce dues payable by members in military service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and con-

sideration of House Bill No. 1732, (Senate Bill No. 619), entitled:

An Act to further amend section two of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34), entitled "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by permitting clubs to waive or reduce dues payable by members in military service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 1926, (Senate Bill No. 457), entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by enabling the Department of Public Assistance to take measures to rehabilitate persons receiving assistance.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 1922, (Senate Bill No. 464), entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to Mothers' assist-

ance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by changing the residence requirement for general assistance.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1935, entitled:

An Act to further amend clause six of section one and section three of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by further defining "State employee" so as to include certain employees of the Board of Fish Commissioners providing that such employees shall have the option of joining the State Employees Retirement Association; and permitting their membership in such association to be retroactive upon the making of certain back payments by them and by the Board of Fish Commissioners.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 629, entitled:

An Act to amend section one of, and to add section three and one-tenth to the act, approved the twentieth day of June, one thousand nine hundred and one (P. L. 582), entitled "An act to provide for the registration of labels, trade-marks, trade-names, stamps, designs, devices, shop-marks, terms, brands, designations, descriptions, or forms of advertisement and protect and secure the right, property and interest therein of the persons, copartnerships or corporations adopting and filing the same, and providing penalties for the violations of the act," further regulating the registration of labels, trade-marks, trade-names, devices, shopmarks, designations and forms of advertisement, and providing for the cancellation of such registrations in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1822, (Senate Bill No. 158), entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of certain soldiers, sailors, marines, female field clerks, yeoman (female) and nurses.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1929, (Senate Bill No. 1098), entitled:

An Act relating to the sale transfer assignment and

pledge of accounts receivable and requiring the assignor of accounts receivable to make appropriate record of the fact of such assignment and prescribing penalties for failure to do so.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1899, (Senate Bill No. 1029), entitled:

An Act creating a Joint Legislative Committee for the purpose of making a thorough study and investigation of the State Employees Retirement System; providing for its appointment; authorizing the employment of necessary clerks and assistants; authorizing the subpoenaing of witnesses and records and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 550.

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 9), entitled "An act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof"

HOUSE BILL No. 1597.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State Highways authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lebanon.

HOUSE BILL No. 1286.

An Act relative to the employment of females in hotels taverns saloons and eating houses for the mixing or sale of alcoholic drinks and the penalty for violation thereof

HOUSE BILL No. 1585.

An Act authorizing political subdivisions to accept in full payment of municipal claims, taxes, penalties, interest and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

Whereas during the years of the economic depression many corporations and individuals became insolvent or unable to pay their debts as they matured and are now or may hereafter be in the process of reorganization or arrangement proceedings under the National Bankruptcy Act and

HOUSE BILL No. 1704.

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Indiana State Teachers' College, to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof, by the Indiana State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

HOUSE BILL No. 1738.

An Act to amend Route 22045 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

HOUSE BILL No. 1739.

An Act to amend Route 38043 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvements under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1470.

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training re-training instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

PERMISSION TO ADDRESS HOUSE

Mr. MARKS asked and obtained unanimous consent to address the House.

Mr. Speaker, I wish to express my thanks for the kind resolution adopted in this House on Tuesday, July 1st.

I wish at this time to say it is a pleasure to have known that the House was kind enough to have adopted the resolution.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 799, entitled:

An Act to further amend clauses nine and ten of section six hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by increasing the allowed value of advertising matter displayed on the inside or outside of licensed premises.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. O'BRIEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1319, (Senate Bill No. 269), entitled:

An Act authorizing the redemption of real property purchased by political subdivisions at tax sales upon the payment of the amount charged against the same and costs by installment payments and prescribing the procedure therefor.

The first section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, lines 3 to 6, by striking out the following "it shall be" in line 3, all of lines 4 and 5, and the following "real property or part thereof" in line 6, and in setting in lieu thereof: "any person who was or is entitled under existing law to redeem such property shall have such right of redemption."

The amendment was agreed to.

The section was agreed to as amended.

The second and third sections were separately read and agreed to.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 4, page 3, line 17, by striking out the following: "have power to".

The amendment was agreed to.

Thee section was agreed to as amended.

The fifth, sixth and seventh sections were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the following "Authorizing" and inserting in lieu thereof: "Providing for".

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 355, entitled:

An Act to provide for the change of object of the corporate existence of beneficial and relief associations as herein defined and authorizing and providing a mode for the dissolution and surrender of the charter of such associations

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1008, (Senate Bill No. 377), entitled:

An Act validating certain proceedings and elections of counties, cities, boroughs, school districts or other municipalities or incorporated districts, had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 902, (Senate Bill No. 254), entitled:

An Act authorizing municipalities to file liens against real estate beyond the municipal limits for certain municipal rates; validating liens heretofore filed; and providing for the procedure thereon.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

HOUSE BILL No. 1676 TAKEN FROM TABLE

Mr. McFALL. Mr. Speaker, I move that House Bill No. 1676, together with the communication from the Governor which was laid on the table June 26, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1676

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor, House Bill No. 1676, Printer's No. 776, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. McFALL. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. LONGO. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Northampton, Mr. McFall, vote on the final passage of this bill?

Mr. McFALL. Mr. Speaker, I voted in the majority.

The SPEAKER pro tempore. How did the gentleman from Northampton, Mr. Longo, vote on the final passage of this bill?

Mr. LONGO. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. McFALL. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Messrs. McFALL and ELLWOOD B. WELSH. Mr. Speaker, we ask unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 12 of the title, by striking out after the word "the" and before the word "use" the following "installation andl."

Amend section 2 (section 2), page 4, by striking out, with boldface brackets, line 1.

Amend section 2 (section 2), page 4, line 2 by striking out at the beginning of the line, with boldface brackets, the following: "ardous per se nor shall al," and inserting in lieu thereof the word: "No."

Amend section 2 (section 2), page 4, line 3 by inserting after the word "lift" and before the word "be" the word: "shall."

Amend section 3 (section 3), page 4, by striking out, with boldface brackets, lines 22 to 24, inclusive, and inserting in lieu thereof the following:

No rules and regulations shall be adopted prohibiting the use of man lifts except only when such man lifts are found to have been incorrectly installed to be mechanically defective or to be operating under some unnecessary hazard

Amend section 3 (section 9), page 5, by striking out, with boldface brackets, lines 25 to 27, inclusive.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

HOUSE BILL No. 1323 TAKEN FROM TABLE

Mr. DAVID P. REESE. Mr. Speaker, I move that House Bill No. 1323, together with the communication from the Governor which was laid on the table June 26, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1323

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1323, Printer's No. 984, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. DAVID P. REESE. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. TAYLOR. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman

from Daughin, Mr. Taylor, vote on the final passage of bill?

RECONSIDERATION OF VOTE

Mr. DAVID P. REESE. Mr. Speaker, I voted in the majority.

The SPEAKER pro tempore. How did the gentleman from Daughin, Mr. Taylor, vote on the final passage of this bill?

Mr. TAYLOR. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. DAVID P. REESE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Messrs. DAVID P. REESE and HABBYSKAW. Mr. Speaker, we ask unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, last line of title, by inserting after the word "purposes" the following: "and providing that such exchange of property shall not be effected unless and until a suitable additional building is made available for use by the Department of Military Affairs as an arsenal or as an administrative building."

Amend sec. 5, page 3, line 18, by inserting after the word "enactment" the following: "but the exchange of property hereinbefore authorized shall not be effected until and unless a suitable additional building is made available for use by the Department of Military Affairs, either as an arsenal or as an administrative building."

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Westmoreland, Mr. Lovett, for presiding.

HOUSE BILL No. 803 TAKEN FROM TABLE

Mr. TATE. Mr. Speaker, I move that House Bill 803, together with the communication from the Governor which was laid on the table June 26, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE
BILL No. 803

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 26, 1941.

To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and the Senate recalling from the Governor House Bill No. 803, Printer's No. 905, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. TATE. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. MELCHIORRE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Tate, vote on the final passage of this bill?

Mr. TATE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Melchiorre, vote on the final passage of this bill?

Mr. MELCHIORRE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. TATE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. TATE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The clerk read the amendments as follows:

Amend page 1, line 5 of the title, by inserting after the word "Commonwealth" and before the word "prohibiting" the word: "by."

Amend page 1, line 5 of the title, by striking out at the end of the line the following: "[the sell-]."

Amend page 1, line 6 of the title, by striking out at the beginning of the line the following: "[ing giving away or]," and inserting in lieu thereof the following: "certain persons from."

Amend page 1, line 8 of the title, by striking out at the end of the line the following: "[dance houses or in concert sal-]."

Amend page 1, by striking out line 9 of the title.

Amend page 1, line 10 of the title, by striking out at the beginning of the line the following: "[connected with which]" and inserting in lieu thereof the following: "any place where."

Amend page 1, line 11 of the title, by striking out at the end of the line the following: "[prohibiting the sell-]."

Amend page 1, line 12 of the title, by striking out at the beginning of the line the following: "[ing giving away or]," and inserting in lieu thereof the following: "or any place connected therewith and prohibiting certain persons from."

Amend page 1, line 14 of the title, by striking out at the end of the line the following: "[tap rooms clubs cafes restaurants and eat-]."

Amend page 1 by striking out line 15 of the title.

Amend page 2, by striking out line 1 of the title and

inserting in lieu thereof the following: "any dance hall or dance house."

Amend section 1 (section 643), page 2, line 7 by striking out, with boldface brackets, after "643" and before the word "Employment" the word: "[Certain]."

Amend section 1 (section 643), page 2, line 7 by striking ing after the word "Minors" and before "[in]" the following "in Places Where Wines or Spirituous or Malt Liquors Are Sold or Given Away and in Dance Halls."

Amend section 1 (section 643), page 2, line 10 by striking out, with slanted lightfaced brackets, after the word "years" and before the word "permits" the following: "[sells gives away or]."

Amend section 1 (section 643), page 2, line 16 by inserting at the end of the line the following: "or being a proprietor or manager employs or permits."

Amend section 1 (section 643), page 2, line 11 by striking out at the end of the line, with slanted lightfaced brackets, the word: "[dance]."

Amend section 1 (section 643), page 2, by striking out line 12 with slanted lightfaced brackets.

Amend section 1 (section 643) page 2 line 13 by striking out at the beginning of the line with slanted lightfaced brackets, the following: "[theater or place of entertainment], and inserting in lieu thereof the word: "place."

Amend section 1 (section 643), page 2, line 14 by striking out at the end of the line, with boldface brackets, the following: "[or with]."

Amend section 1 (section 643), page 2, by striking out line 15 with boldface brackets.

Amend section 1 (section 643), page 2, line 16 by striking out at the beginning of the line, with boldface brackets, the following: "[malt liquors is directly or indirectly], and inserting in lieu thereof the following: "or any place."

Amend section 1 (section 643), page 2, line 16 by inserting after the word "connected" and before the word "by" the word "therewith."

Amend section 1 (section 643), page 2, line 17 by striking out, with slanted lightfaced brackets, at the end of the line the following: "[or being the proprietor of any]."

Amend section 1 (section 643), page 2, by striking out, with slanted lightfaced brackets, lines 18 and 19.

Amend section 1 (section 643), page 2, line 20 by striking out, at the beginning of the line, with slanted lightfaced brackets, the word: "[minor], and inserting in lieu thereof the following: "where wines or spirituous or malt liquors are sold or given away."

Amend section 1 (section 643), page 2, line 21 by striking out, with slanted lightfaced brackets, the following: "[in a summary proceeding]."

Amend section 1 (section 643), page 2, line 22 by striking out after the word "exceeding" and before the word "hundred," with slanted lightfaced brackets, the word: "[one], and inserting in lieu thereof the word: "two."

Amend section 1 (section 643), page 2, line 22 by striking out, with slanted lightfaced brackets, after the word "dollars" and before the word "and" the following: "[\$100]. and inserting in lieu thereof the following: "(\$200)."

Amend section 1 (section 643), page 3, line 1 by striking out at the end of the line, with slanted lightfaced brackets, the following: "[three (3)]" and inserting in lieu thereof the following: "six (6)."

Amend section 1 (section 643), page 3 by striking out, with boldface brackets, lines 3 to 21, inclusive, and inserting in lieu thereof the following: "(b) Whoever having the care custody or control of any minor under the age of eighteen (18) years permits or being a proprietor or manager employs or permits any such child to sing dance act or exhibit in any dance hall or dance house is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars (\$100) and in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding three (3) months."

Amend page 3 by inserting after line 28 the following new section: "Section 2. This act shall become effective immediately upon its final enactment."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGES

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 9.

An Act concerning the permanent recordation of certain births birth certificates the issuance of copies of such certificates and prescribing the procedure therefor enlarging the powers and duties of the Department of Health and the Bureau of Vital Statistics providing for appeals from the action of the Bureau of Vital Statistics to the Orphans' Court and imposing duties and powers on such Orphans' Court

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments by the House of Representatives to Senate Bill numbered and entitled as follows: viz:

SENATE BILL No. 30.

An Act providing for the establishment, construction, operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through, bordering or accessible to the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike to be known as the "Rim Parkway," providing for the creation of the Pennsylvania Parkway Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of parkway revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such parkway, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the parkway; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such parkway shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission; conferring powers and imposing duties on the Department of Highways; authorizing the issuance of parkway revenue refunding bonds and making an appropriation.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 381

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third fourth fifth sixth and seventh classes and revising

amending and consolidating the laws relating thereto" by authorizing the acquisition operation and leasing of aviation landing fields and airdromes by counties of the second third fourth fifth sixth and seventh classes conferring certain powers of eminent domain upon such counties for the acquisition of lands for aviation landing fields and airdromes authorizing such counties to appropriate for such purposes unredeemed lands purchased at tax sales providing for the jurisdiction of condemnation proceedings where lands are situated in more than one county authorizing such counties to act jointly with certain political subdivisions in the operation and maintenance of aviation landing fields and airdromes and providing for the expenditure of funds for such purposes in cooperation with certain State Federal or other public agencies

SENATE BILL No. 588.

An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof by prescribing the method of fixing the fair market value of such property sold on execution and limiting the amount collectible thereafter on such judgments

SENATE BILL No. 9.

An Act concerning the permanent recordation of certain births birth certificates the issuance of copies of such certificates and prescribing the procedure therefor enlarging the powers and duties of the Department of Health and the Bureau of Vital Statistics

SENATE BILL No. 30.

An Act providing for the establishment construction operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through bordering or accessible to the counties of Monroe Northampton Carbon Luzerne Lackawanna Wayne and Pike to be known as the "Rim Parkway" Providing for the creation of the Pennsylvania Parkway Commission and conferring powers and imposing duties on said commission authorizing the issuance of parkway revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such parkway providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the parkway making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such parkway shall become free providing for condemnation granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission conferring powers and imposing duties on the Department of Highways authorizing the issuance of parkway revenue refunding bonds and making an appropriation

SENATE BILL No. 555

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mother's Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mother's assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by regulating the

use or disclosure of public assistance lists and records and adding to penal provisions

SENATE BILL No. 712.

An Act to amend section one and section two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 899), entitled "An act establishing a State Highway in the County of Lebanon providing for its location construction improvement and maintenance by the Commonwealth" by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth

SENATE BILL No. 796.

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing Route 36174 Lancaster County

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 348.

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

HOUSE BILL No. 550.

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 99), entitled "An act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof"

HOUSE BILL No. 1092.

An Act making an appropriation for the expenses of the Committee of the House of Representatives created by House Resolution Serial Number forty-nine, adopted the nineteenth day of February, one thousand nine hundred forty-one.

HOUSE BILL No. 1286.

An Act relative to the employment of females in hotels taverns saloons and eating houses for the mixing or sale of alcoholic drinks and the penalty for violation thereof

HOUSE BILL No. 1585.

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

Whereas during the years of the economic depression many corporations and individuals became insolvent or unable to pay their debts as they matured and are now

or may hereafter be in the process of reorganization or arrangement proceedings under the National Bankruptcy Act and

HOUSE BILL No. 1597.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lebanon.

HOUSE BILL No. 1704.

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation

HOUSE BILL No. 1738.

An Act to amend Route 22045 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

HOUSE BILL No. 1739.

An Act to amend Route 38043 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

HOUSE BILL No. 1837.

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating

persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act, conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle;" and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House for the purpose of considering Senate Bill No. 801.

PERMISSION TO ADDRESS HOUSE

Mr. O'BRIEN asked and obtained unanimous consent to address the House.

Mr. Speaker, in the Pittsburgh Press of July 1st, is contained the following article, I quote:

"The house, on motion of Representative Brown, later accepted amendments to three pending anti-red bills, to provide for appeals to the courts on the part of public employes fired for subversive activities, relieves denied relief grants for the same reason, or parties barred from the ballot on grounds of subversive aims.

"Democrats supported the amendments, but in caucus Mr. O'Brien of the Philadelphia group, author of one of the measures, said he personally accused Mr. Brown of representing the Communists.

"I told the caucus that a Communist leader had informed me the bills were to be amended in the same manner proposed by Mr. Brown, so they must have been working together," Mr. O'Brien related.

He added that when Mr. Brown denied it, he took him to the Communist who had told him of the amendments, but that the latter backed 'down.'"

This article, Mr. Speaker, was written by Robert Taylor, Pittsburgh Press staff writer. For the information of the Speaker and the members of the House, I never met Mr. Taylor until this evening, yet I happened to be quoted in the Pittsburgh Press.

I publicly admit, Mr. Speaker, that the amendments offered in the first bills by Mr. Brown were the amendments suggested and authorized by a sub-committee of the Democratic caucus. In addition to that Mr. Speaker, certain amendments were offered by Mr. Cordier of Lackawanna County, which were opposed by Mr. Brown. In asking unanimous consent, Mr. Speaker, I am only too willing to defend any statements that I personally made, but when I am quoted by either a member of the press or any Member of the House whom I have never met, I think it is time to rise in defense of the Member whom I am quoted as accusing.

I say to you, Mr. Speaker, that at any time under the good graces of the House of Representatives I am called "the gentleman from Philadelphia," I will try to live up to that and be a gentleman from Philadelphia, and make my accusations or make my statements direct to the Speaker and the Members of the House.

BILL INTRODUCED AND REFERRED

By Mr. HARKINS.

HOUSE BILL No. 1963.

An Act to add clause (i) to section seven hundred and four of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by adding rule for determining residence in case of electors compelled to remove from their place of residence by agencies or bodies having right of eminent domain or acquiring property for carrying out National defense programs. /

Referred to the Committee on Elections.

PERMISSION TO ADDRESS HOUSE

Mr. CORDIER asked and obtained unanimous consent to address the House.

Mr. Speaker, I wish to rise at this time to say that I have served for several sessions with the gentleman from Allegheny, Mr. Brown. I have found him open, honest and sincere in all of his deliberations and all his actions, both on the floor and in the committee rooms.

With reference to the news item read by Mr. O'Brien of Philadelphia I wish to say that I am certain the amendments offered by Mr. Brown, these particular amendments, were not dictated by any subversive group. In fact, one of the amendments submitted was agreed to by me and had the approval of the Department of Public Assistance. That particular amendment to House Bill 448 provided for a method of appeal for the general assistance recipient. I am certain that the gentleman from Allegheny

possesses sufficient intelligence and sufficient courage and independence to do his own thinking and not be subject to any pressure groups. I am certain that he is a true, loyal American and one of the ablest Members of the General Assembly, who should in no way be tied up with any of these subversive groups. I am happy as the sponsor of this piece of legislation to make this statement.

Mr. SHAW. Mr. Speaker—

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Shaw.

Mr. BROWN. Mr. Speaker—

Mr. SHAW. Mr. Speaker, I yield to the gentleman from Allegheny, Mr. Brown.

PERMISSION TO ADDRESS HOUSE

Mr. BROWN asked and obtained unanimous consent to address the House.

Mr. Speaker, I thank the gentleman from Allegheny Mr. Shaw for yielding so that my remarks may follow the remarks of the gentleman from Philadelphia, Mr. O'Brien and the gentleman from Lackawanna, Mr. Cordier.

I want to express my appreciation to the gentleman from Philadelphia, Mr. O'Brien, and to the gentleman from Lackawanna, Mr. Cordier, for correcting the statement that appeared in the Press. I was somewhat hurt by the statement. Not that I wouldn't talk to a Communist or anybody else. I haven't risen so far, and I think I shall never rise so far that I will not speak to any man, but I was hurt when I was accused of telling what went on in committee, knowing full well that we went from Room 246 in the Capitol Building to the Legislative Reference Bureau and put in the amendments—the thought of the committee—returned to the House, and then on the next day the gentleman from Lackawanna, Mr. Cordier, handed me a group of amendments clarifying a motion I had made, and which were presented here. I think the matter cast a reflection upon me and upon my honesty. I sincerely hold, Mr. Speaker, that above everything else we ought to be honest with those with whom we serve, and because of the fact that these statements may clear up the reflections cast upon me, I want to express my deep appreciation for the gentlemen's remarks.

REPORT OF COMMITTEE ON SEWING PROJECTS

Mr. SHAW. Mr. Speaker, as Chairman of your Special Committee named on the first day of the Session to investigate the troubles connected with the sewing projects of the W. P. A., I am, not making a final and formal report, but in view of the very drastic cuts which are presently being made in W. P. A. employment—and may I add that these cuts are necessitated by the reduced appropriation made by the Congress of the United States. I feel and my Committee feels that a short statement showing the Members of this House, the various things we have encountered and which are coming to us almost weekly should be made.

In the first place, Mr. Speaker, the members of your Special Committee appreciate very deeply the support given by every one of you to this Committee, and I as chairman of the Committee wish to express my gratitude to the members of the Committee for their very unselfish work and their untiring labors in trying to reach sensible conclusions on these problems.

Sometime ago I found it necessary, since the work has become so heavy, to ask another member to act as secretary of the Committee, and I asked the gentleman from Philadelphia, Mr. D'Ortona, to act in that capacity. My thanks are due also to him.

Within the past two weeks, Mr. Speaker, one of the most worthy projects, in my opinion, that has been conducted by W. P. A. has been closed throughout the State. Some of them are now being reopened. To show what one of those projects is, a nursery school, and what it means particularly to the people in the congested districts, I wish to read into the record one of the letters I have received from mothers in Philadelphia. It says:

"Dear Mr. Shaw: I am one of the many mothers who have a small child in the House of Industry Nursery School near Seventh and Catharine Streets which has been ordered closed this past Friday. We live in an apartment, have no yard for my child's recreation, cannot afford a private nurse or nursery or help. Physically I am not very strong and soon expect another child. In the past six months that my child has been at the nursery he has improved in many ways, and I also have benefitted very much. Us mothers have paid for our children's food and helped in many ways to keep the school open. It would be a crime to have these nurseries closed to deprive our children and us mothers of its manifold benefits which contribute to the physical welfare of our future citizens. I hope and pray that you will do all in your power to see that this nursery school is reopened as soon as possible. Very truly yours, Mrs. Rose Testa, 802 South 8th Street, Philadelphia, Pa."

Mr. Speaker, that is just one of the things with which your Committee has had to contend, and I submit to you and to all the Members of this House certainly there should be some agency in this Commonwealth empowered under the law to take up these relief projects and continue them. I am hopeful that some sort of arrangement may be reached under which all of these projects not only the nursery schools, but other projects which have employed people can be reopened, and in that way help these people. This is an informal report of my Committee. Thank you very much.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. GALLAGHER asked and obtained permission for the Committee on Elections to meet during the session of the House for the purpose of considering House Bill 1963.

REPORTS FROM COMMITTEES

Mr. JEFFERSON, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1806, (Senate Bill 801), entitled:

An Act to validate and confirm certain contracts heretofore entered into, by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district.

Mr. BONEY, from the Committee on Appropriations, reported as committed, House Bill No. 1952, entitled:

An Act fixing the salary of the Parliamentarian of the House of Representatives.

BILL ON FIRST READING

Mr. BONEY asked and obtained unanimous consent for House Bill No. 1952 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1952, entitled:

An Act fixing the salary of the Parliamentarian of the House of Representatives.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

RESOLUTION

RECALLING HOUSE BILL No. 1543 FROM
THE GOVERNOR

Mr. LICHTENWALTER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 7, 1941.

Resolved (if the Senate concur), that House Bill No. 1543, Printer's No. 1075, entitled "An act providing a method for supplying perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect making such records competent legal evidence prescribing fees and imposing certain duties upon the orphans' court and the Bureau of Vital Statistics of the Department of Health."

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE RECALLED FROM
GOVERNOR PASSED OVER

There being no objection House Bill No. 1513, Printer's No. 1088, was passed over at the request of Mr. DENNISON.

BILLS ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. PETROSKY.

The House resumed the consideration on third reading of House Bill No. 1231, as follows:

An Act to promote the general welfare and to protect the health safety morals and standards of living of the people of the Commonwealth of Pennsylvania by providing for the elimination of wage and hour standards detrimental to the health safety morals and standard of living of workers to establish minimum wage and maximum hour standards to prescribe the powers and duties of the Department of Labor and Industry under this act and for other purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Section 1 Findings and Policy (a) In numerous occupations and industries in the State of Pennsylvania workers are employed at wages which are unfair substandard and oppressive and which are insufficient to provide adequate maintenance or livelihood commensurate with the cost of living to safeguard health and well-being of such workers. The payment of such unfair substandard oppressive and insufficient wages substantially and adversely affects the general welfare of the State in that

it (1) endangers the health safety morals and welfare of the people (2) creates sweat shops with their attendant dangers to the health and safety of the people (3) creates variations and instability in competitive wage rates and working conditions within and between industries (4) depresses the purchasing power of wage earners (5) increases the disparity between production and consumption (6) causes unfair and injurious competition (7) tends to produce and aggravate the recurrent business depressions and (8) tends to lead to strikes lockouts and other forms of industrial strife and unrest which are inimical to the public safety and welfare

In numerous occupations and industries in the State of Pennsylvania workers are employed at excessive hours which are unfair and oppressive and which are inimical to the health safety efficiency and well-being of such workers. The existence of such excessive unfair and oppressive hours of work substantially and adversely affects the general welfare of the State in that it (1) is inimical to public health and safety (2) creates sweat shop conditions with their attendant dangers to the health and safety of the people (3) curtails employment opportunities (4) perpetuates and aggravates unemployment and thus imposes upon the people of the State the burden of feeding supporting and otherwise relieving the distress of the unemployed wages earners and of their families (5) curtails the earning and the purchasing power of the workers and thus stifles business creates bankruptcies insolvencies misery destitution and want among the people of the State (6) causes unfair and injurious competition (7) tends to produce and aggravate the recurrent business depressions and (8) tends to lead to strikes lockouts and other forms of industrial strife and unrest which are inimical to the public safety and welfare

(b) It is hereby declared to be the policy of this act through the exercise of the police power of the State of Pennsylvania (1) to correct and as rapidly as practicable to eliminate the conditions above referred to (2) to establish as far and as rapidly as possible minimum wage and maximum hour standards which would serve to protect the health safety and well-being of workers (3) to safeguard existing minimum wage and maximum hour standards which are consistent with the health safety and well-being of workers from the injurious effects of the serious and unfair competition detrimental to the health safety and well-being of workers and (4) to increase employment opportunities. All provisions of this act shall be liberally construed for the accomplishment of this policy

Section 2 Definitions As used in this act

(a) "Commissioner" shall mean the Secretary of the Department of Labor and Industry

(b) "Employ" includes suffer or permit to work

(c) "Employer" includes any individual partnership association corporation business trust legal representative or any organized group of persons acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States the State of Pennsylvania any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization

(d) "Employee" includes any individual employed by an employer but shall not include any individual employed (1) in a bona fide executive or professional capacity (as such terms are defined and delimited by regulations of the commissioner) (2) in agriculture (3) in domestic service in a private home and (4) in the capacity of an outside salesman

(e) "Industry" means a trade business industry or branch thereof or group of industries in which individuals are employed

(f) "Wage" means lawful money of the United States or checks on banks convertible into cash on demand at full face value thereof and shall not include tips or gratuities of any kind

(g) "Week" means any period of seven consecutive days

(h) "Day" means any period of twenty-four consecutive hours

(i) "Agriculture" includes farming in all its branches the cultivation and tillage of the soil dairying the production cultivation growing and harvesting of any agricultural or horticultural commodities the raising of livestock bees fur-bearing animals or poultry and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as a necessary incident to the above farming operations including delivery from a farm to storage or to market or to carriers for transportation to market

Section 3 Minimum Wages (a) No employer shall pay to any of his employes wages at the rates less than the following minimum wage rates

(1) During the first year from the effective date of this section the minimum wage rate of twenty-five cents per hour

(2) During the next six years from such date the minimum wage rate of thirty cents per hour

(3) After the expiration of seven years from such date the minimum wage rate of forty cents per hour

(b) This section shall take effect upon the expiration of one hundred twenty days from the date of enactment of this act

Section 4 Maximum Hours (a) No employer shall except as hereinafter provided in this section employ any employe

(1) During the first year from the effective date of this section for more than eight hours per day of forty-four hours per week

(2) During the second year from such date for more than eight hours per day or forty-two hours per week

(3) After the expiration of the second year from such date for more than eight hours per day or forty hours a week unless such employe receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed

(b) This section shall take effect upon the expiration of one hundred and twenty days from the date of enactment of this act

Section 5 Handicapped Workers The commissioner may by regulations or by orders provide for the employment under special certificates issued pursuant to regulations of the commissioner of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury at such wages lower than the applicable minimum wage and for such period as shall be fixed in such certificates

Section 6 Administration There is hereby created within the Department of Labor and Industry a Wage and Hour Bureau The Wage and Hour Bureau shall be organized in the same manner as other bureaus or divisions of the said department and shall be in charge of a director if he deems such action advisable for the more efficient and economical administration of the work and duties of the department the commissioner regardless of the provisions of any other law may combine or consolidate the activities of any other division or bureau of the Department of Labor and Industry with those of the Wage and Hour Bureau The commissioner shall have the authority to appoint the director of the Wage and Hour Bureau and such assistants and other employes as may be necessary for the proper enforcement of this act and to fix their compensation subject to existing laws applicable to the appointment and compensation of employes of the State

Section 7 Regulations and Orders (a) The commissioner shall have the authority and it shall be his duty to enforce the provisions of this act and any regulations or orders issued thereunder

(b) The commissioner shall have the authority from time to time to make amend and rescind such regulations and orders as may be necessary or appropriate to carry out the provisions of this act Such regulations or orders without being limited thereto may include such terms and conditions including the restriction or prohibition of industrial homework or of such other acts or practices as the commissioner finds necessary or appropriate to

carry out the purposes of the act and to prevent the circumvention or evasion thereof and to safeguard the standards therein established Such regulations or orders shall include such partial or total restrictions or prohibitions on the employment (notwithstanding the payment of time and one-half the regular rate of pay) of employes in excess of the hours specified in section four (a) as he finds necessary to prevent the circumvention (by means of reduction in wage rates to avoid the penalizing effect of the overtime compensation provisions or by other devices) of the intent of section four (a) to reduce hours of labor

(c) Regulations or orders of the commissioner issued pursuant to subsection (b) which relate to industrial home-work or to employment in excess of the hours specified in section four (a) shall be made only after notice to interested persons and a public hearing by the commissioner at which such persons may be heard

(d) Regulations or orders issued pursuant to this section shall take effect five days after publication in such newspapers and by such other means as the commissioner deems reasonably calculated to give to interested persons general notice of such issuance

Section 8 Investigations Inspections Records (a) The commissioner or his authorized representative may investigate and gather data regarding the wages hours and other conditions and practices of employment in the State and may enter and inspect such places and such records (and make such transcriptions thereof) question such employes and investigate such facts conditions practices or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this act or which may aid in the enforcement of the provisions of this act or in connection with the recommendation of further legislation

(b) Every employer shall keep in or about the premises wherein any employe is employed a record of the name address and occupation of each such employe of the amount paid each pay period to each such employe of such employe and of such other information and for such the hours worked each day and each work-week by each periods of time as the commissioner may by regulation or order prescribe The commissioner or his authorized representative shall for the purpose of examination have access to and the right to copy from such records and every employer shall furnish to the commissioner or his authorized representative on demand a sworn statement of such records and if the commissioner shall so require upon forms prescribed or approved by him Every employer shall furnish to the commissioner or his authorized representative such information relating to the employment of workers and in such manner as the commissioner may require Every employer shall keep a printed abstract of the law and a copy of any order to which he may be subject conspicuously posted in or about the premises wherein any person subject thereto is employed Employers shall be furnished copies of such abstract and orders on request without charge

(c) Any employer who hinders or delays the commissioner or his authorized representative in the performance of his duties in the enforcement of this act or who refuses to admit the commissioner or his authorized representative to any place of employment or who fails to keep or falsifies any record required under the provisions of this section or who refuses to make such records accessible or to furnish a sworn statement thereof or to give information required for the proper enforcement of this act upon demand to the commissioner or his authorized representative or who fails to post an abstract of this law or a copy of any order as required by this section shall be deemed to have violated this act

Section 9 Oaths Affidavits Subpoenas (a) The commissioner or his authorized representative shall have the power to administer oaths to take or cause to be taken the depositions of witnesses and to require by subpoena the attendance and testimony of witnesses and the production of all books records and other evidence relative to any matter under investigation Such subpoenas shall be signed and issued by the commissioner or his authorized

representative In cases of failure of any person to comply with any subpoena lawfully issued under this section or on the refusal of any witness to produce evidence or to testify to any matter regarding which he may be lawfully interrogated it shall be the duty of any common pleas court or the judge thereof upon application of the commissioner or his authorized representative to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued by such court or a refusal to testify therein The commissioner shall have the power to certify to official acts

(b) No person shall be excused from attending and testifying or from producing books papers correspondence memoranda contracts agreements or other records and documents before the commissioner or his authorized representative or in obedience to the subpoena of the commissioner or his authorized representative or in any cause or proceedings instituted under this act on the ground that the testimony or evidence documentary or otherwise required of him may tend to incriminate him or subject him to a penalty or forfeiture but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he is compelled to testify or produce evidence documentary or otherwise after having claimed his privilege against self-incrimination except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying

Section 10 Penalty Provisions Collection of Unpaid Wages (a) Any employer who violates any provisions of this act or of any regulation or order of the commissioner issued under the authority of this act or who discharges or in any other manner discriminates against any employee because such employee has made any complaint to his employer the commissioner or any other person or instituted or caused to be instituted any proceeding under or related to this act or has testified or is about to testify in any such proceedings shall upon conviction thereof be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not less than ten (10) days nor more than ninety (90) days or by both such fine and imprisonment Each day during which a violation shall continue shall constitute a separate offense

Failure of an employer to pay an employee the minimum wage or overtime compensation if any required by sections three and four respectively in full within five days after the end of the customary pay period during which the wages were earned shall constitute prima facie evidence of a violation of such sections

(b) (1) Any employer who violates any provision of sections three or four of this act shall be liable to the employee or employees affected in the amount of their unpaid minimum wages or unpaid overtime compensation as the case may be and in an additional equal amount of liquidated damages

(2) Action to recover such liability may be maintained in any court of competent jurisdiction by any employee or employees for and in behalf of himself or themselves and other employees similarly situated or such employee or employees may designate an agent or representative to maintain such action for and in behalf of himself or themselves or of all employees similarly situated The court in such action shall in addition to any judgment awarded to the plaintiff or plaintiffs allow a reasonable attorney's fee to be paid by the defendant and costs of the action At the request of any person paid less than the amount to which he is entitled under the provisions of this act the commissioner may take an assignment in trust for the assigning employee of the full amount to which he is entitled under this subsection and may bring any legal action necessary to collect such claim and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court The commissioner shall not be required to pay the filing fee or other costs in connection with such action The commissioner in case of suit shall have the power to join various

claimants against the same employer in one cause of action Any such action to recover such liability shall take precedence over all other matters before the court except matters of the same character and shall be tried expeditiously within ten days after the commencement of such action If either party to such action demands a jury trial a regular or special jury shall be impanelled therefor and all jury fees shall be waived

(c) Whenever it shall appear to the commissioner that any employer is engaged in any act or practice which constitutes or will constitute a violation of any provision of this act or of any provision of any regulation issued thereunder he may in his discretion bring an action in the common pleas court of the State to enjoin such act or practice and to enforce compliance with this act or with such regulation and upon a proper showing a permanent or temporary injunction or decree or restraining order shall be granted without bond

Section 11 Cooperation with Federal Agency The Department of Labor and Industry may and it is hereby authorized to assist and cooperate with the Wage and Hour Division United States Department of Labor in the enforcement within this State of the Fair Labor Standards Act of 1938 approved the twenty-fifth day of June one thousand nine hundred and thirty-eight and subject to the regulations of the Administrator of the Wage and Hour Division and the laws of the State applicable to the receipt and expenditure of moneys may be reimbursed by said division for the reasonable cost of such assistance and cooperation

Section 12 Relation to Other Laws Where any other State law or any Federal law or any municipal ordinance or any order or regulation issued thereunder establishes a minimum wage higher than the minimum wage established under this act or maximum hours lower than the maximum hours established under this act such law or ordinance order or regulation shall continue in full force and effect together with the provisions of this act

Section 13 Wages and Hours Established by Collective Bargaining Nothing in this act shall be deemed to interfere with impede or in any way diminish the right of employees to bargain collectively through representatives of their own choosing in order to establish wages in excess of the applicable minimum wages under this act or to establish hours of work shorter than the applicable maximum hours under this act

Article II

Section 201 Wage Investigations Appointment of Wage Boards For the purpose of carrying out the declared policy of this act the commissioner upon his own motion may or upon the petition of one hundred or more residents of the State shall investigate the wages paid to employees employed in any industry to ascertain whether any substantial number of such employees are receiving wages which are less sufficient to maintain the employees in health safety and well-being If as a result of investigation the commissioner determines that any substantial number of employees employed in any industry are receiving such wages he shall appoint a wage board to recommend a minimum wage for such industry The issuance of a wage order for an industry pursuant to section two hundred three shall not preclude the commissioner from again appointing a wage board in accordance with this section to recommend a minimum wage for such industry

Section 202 Wage Board: Powers and Duties Recommendations (a) A wage board shall be appointed by the commissioner without regard to any other provisions of law regarding the appointment and compensation of employees of the State It shall consist of not more than nine members and shall include a number of disinterested persons representing the public one of whom the commissioner shall designate as chairman a like number of persons representing employees in the industry and a like number representing employers in the industry The representatives of the employers and employees shall be selected so far as practicable from nominations submitted by employers and employees or organizations thereof in such

industry Two-thirds of the members of such wage board shall constitute a quorum and its recommendations shall require a vote of not less than a majority of all its members The members of a wage board shall be entitled to compensation at the rate of not to exceed fifteen dollars (\$15.00) per day for each meeting attended by them or each day actually spent in the work of the board They shall be paid their reasonable and necessary traveling and other expenses while engaged in the performance of their duties The commissioner shall make rules and regulations not inconsistent with this act governing the selection of a wage board and its mode of procedure

(b) The commissioner shall present to a wage board all the evidence and information in his possession relating to the wages in the industry for which the wage board was appointed and all other information which the commissioner deems relevant to the establishment of a minimum wage for such industry and shall cause to be brought before the board any witnesses whom the commissioner deems material A wage board may summon other witnesses or call upon the commissioner to furnish additional information to aid in its deliberations

(c) Within sixty days of its organization a wage board shall submit to the commissioner its recommendations as to a minimum wage (which in no case shall be less than the rate prescribed by section three (a) (2)) to be paid by employers in the industry considered which it determines to be as nearly adequate as is economically feasible to maintain the standard of living necessary for the health safety and well-being of workers In making such recommendations a wage board shall consider among other relevant factors (1) cost of living (2) the wages established in the State for work of like or comparable character by collective labor agreements negotiated between employers and employes by representatives of their own choosing (3) the wages paid in the State for work of like or comparable character by employers who voluntarily maintain reasonable minimum wage standards and (4) the minimum wages prescribed for industry for employment of like or comparable character by any wage order issued under section eight of the Fair Labor Standards Act of 1938 approved the twenty-fifth day of June one thousand nine hundred and thirty-eight If the report of the wage board is not submitted within sixty days the commissioner may appoint a new wage board

Section 203 Wage Orders (a) Upon the filing of the wage board's report the commissioner after due notice to interested persons and a public hearing thereon shall by order approve and carry into effect the recommendations contained in such report if he finds that the recommendations are made in accordance with law are supported by the evidence adduced at the public hearing and will carry out the purposes of this act The commissioner shall disapprove the recommendations contained in such report only if he makes a specific finding that such recommendations are not in accordance with law or are not supported by the evidence adduced at the public hearing or will not carry out the purposes of this act If the commissioner disapproves such recommendations he shall again refer the matter to the same wage board or to another wage board for such industry (which he may appoint for such purpose) for further consideration and recommendations Due notice of any hearing provided for in this section shall be given publication in such newspapers and by such other means as the commissioner deems reasonably calculated to give general notice to interested persons

(b) Orders issued under this section shall define the industry to which they shall apply and may include such administrative regulations as the commissioner finds necessary to carry out the purposes of this act and of the orders Except as provided in section two hundred six the rates established by any minimum wage order shall apply alike to all employes regardless of age or sex.

(c) No such order shall take effect until thirty days after due notice is given of the issuance thereof by publication in such newspapers and by such other means as the commissioner deems reasonably calculated to give to interested persons general notice of such issuance A cer-

tified copy of each such order shall be filed in the office of the Secretary of the Commonwealth

Section 204 (a) Right of Review Any person aggrieved by an order of the commissioner issued under section two hundred three may obtain a review of such order in the common pleas court by filing in such court within sixty days after the entry of such order a written petition praying that the order of the commissioner be modified or set aside in whole or in part A copy of such petition shall forthwith be served upon the commissioner and thereupon the commissioner shall certify and file in the court a transcript of the record upon which the order complained of was entered Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm modify or set aside such order in whole or in part so far as it is applicable to the petitioner The review by the court shall be limited to questions of law and findings of fact by the commissioner when supported by substantial evidence shall be conclusive No objection to the order of the commissioner shall be considered by the court unless such objection shall have been urged before the commissioner or unless there were reasonable grounds for failure to do so If application is made to the court for leave to adduce additional evidence and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceeding and that there were reasonable grounds for failure to adduce such evidence in the proceedings before the commissioner the court may order such additional evidence to be taken before the commissioner and to be adduced upon the hearings as may seem proper to the court The commissioner may modify his finding by reason of the additional evidence so taken (but in no case may he modify the recommendations of a wage board except upon and in accordance with the further recommendations of such a wage board) and shall file with the court such modified or new findings which supported by substantial evidence shall be conclusive and shall also file his recommendation if any for the modification or setting aside of the original order The judgment and decree of the court shall be final subject to right of appeal to the Supreme Court

(b) The commencement of proceedings under subsection (a) of this section shall not unless specifically ordered by the court operate as a stay of the commissioner's order The court shall not grant any stay of the order unless the person complaining of such order shall file in court an undertaking with a surety or sureties satisfactory to the court for the payment to the employes affected by the order in the event such order is affirmed of the amount by which the compensation such employes are entitled to receive under the order exceeds the compensation they actually receive while such stay is in effect

Section 205 Requirement to Pay Minimum Wage Prescribed in Wage Order No employer shall pay to any of his employes wages at the rate less than the minimum wage rate prescribed in the applicable order of the commissioner under section two hundred three or provided under special certificates issued by the commissioner under section two hundred six

Section 206 Learners Apprentices Handicapped Workers The commissioner may by regulations or by orders provide for the employment under special certificates issued pursuant to regulations of the commissioner (1) of learners at such minimum wage rate lower than the minimum wage rate prescribed in the applicable wage order of the commissioner under section two hundred three and subject to such limitations as to time number proportion and length of service as the commissioner after due notice to interested persons and giving them an opportunity to be heard shall prescribe (2) of apprentices at such minimum wage rate lower than the minimum wage rate prescribed in the applicable wage order of the commissioner under section two hundred three and subject to such limitations as to time number proportion and length or service as are approved by the State Apprenticeship Council and (3) of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury at such minimum wage rate lower than the minimum wage rates prescribed

in the applicable wage order of the commissioner under section two hundred three and for such period as shall be fixed in such certificates. Provided however That in no case such employment of such learners apprentices and handicapped workers shall be at a wage rate less than the applicable minimum wage rate required under section three

Section 207 Oaths Affidavits Subpoenas The chairman of a wage board shall have the same powers with regard to administration of oaths taking depositions issuance and enforcement of subpoenas as are vested in the commissioner by section nine of this act

Section 208 Enforcement of Wage Orders (a) A violation of any wage order issued under this act shall be deemed to be a violation of the act and provisions of section ten shall apply to any such violation

(b) In order to carry out the purposes of any wage order issued under this act the commissioner shall have the same powers as are vested in him by section seven of this act to issue such regulations and orders as are necessary or appropriate to carry out the purposes of such wage order and to prevent the circumvention or evasion thereof and to safeguard the standards established therein

Article III

Section 301 Short Title This act shall be known and may be cited as the "Wage and Hour Act"

Section 302 Separability The provisions of this act shall be severable If any of said provisions shall be held to be invalid or unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act

It is hereby declared as the legislative intent that this act would have been adopted had such invalid or unconstitutional provisions not been included therein

Section 303 Repealer All acts and parts of acts inconsistent with this act are hereby repealed

Section 304 Effective Date The provisions of this act shall become effective immediately upon final enactment

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JAMES. Mr. Speaker, this is another one of those bills which has been allowed to arrive at third reading and, no doubt, final passage by the long process of insinuation. This bill was referred to the Committee on Labor on the 10th day of April, and there it was allowed to languish for exactly two months to the very day. And yet, Mr. Speaker, this bill deals with a subject of extreme importance. Its passage could have very far reaching effect. Therefore, before the Members of this House are called upon to act on this bill I think it is right and proper that they should have more than a perfunctory understanding of these bills which are involved in this proposal.

House Bill No. 1231 proposes to supplement the Federal Fair Labor Standards Act of 1938 by extending many of the provisions of that act to all employers and employees in this state, with certain specific exemptions.

Mr. Speaker, I believe we might all agree that an intra-state wage hour law if so drawn that it could be administered without confusion—with reasonable effort and reasonable cost to the people—might be of benefit to certain wage earners and to certain employers in our Commonwealth. Such a law would very likely result in adjustments in conditions of employment and working conditions for some employees, bringing these conditions in line with the modern concept of what they should be. Employees not presently affected by the Federal Labor Standard Act of 1938 and the myriads of bulletins, rulings, interpretations and court edicts that have grown out of

that act, might benefit, to the extent of a better balance between the social and the working periods of their time. A well devised wage-hour law might bring about better adjustments of the family life of some workers in our state, and it could result in some extensions of opportunity for employment. All of this would be desirable.

If all of such benefits could be brought about for those workers not presently affected by the Federal Wage-Hour Act there would also be some benefits for certain classes of employers—particularly in merchandising lines in intra-state trade.

Some employers, under a well planned state wage-hour act might be relieved, to a certain extent at least, from competitive conditions based in some cases, upon tricky schedules of working hours and equally tricky wage arrangements.

I am trying to make very clear, Mr. Speaker, that I do not find fault with the principle underlying the bill which is now before us.

This bill, House Bill No. 1231, supplements the Federal Fair Labor Standards Act of 1938 by extending many of the provisions of that Act to all employers and employees in the state with certain specific exemptions.

The Federal Fair Labor Standards Act of 1938 applies to all employers and employees engaged in interstate commerce, and the term "interstate commerce" has been so liberally defined as to include a large proportion of the employers and employees in the state.

Mr. Speaker, I remember well, the Federal Wage-Hour law, from the day of its proposal to the day of its enactment was the subject of nation-wide interest. It was the subject of wide-spread debate in and out of Congress. It was the subject of countless trade and labor associations, of opinions—of public hearings—of committee hearings—and finally it was looked over, amended and otherwise altered so as to harmonize, as far as possible, a wide variety of circumstances and conditions either existing or projected—within the general economy of the nation.

Mr. Speaker, when the Federal Wage-Hour Act was under consideration it was regarded, not only by the Congress and the National administration, but by labor, industry and the public as drastic legislation, capable of far-reaching changes in the character and fundamentals of commerce and trade within the nation and in our National position in world trade.

Nevertheless, Mr. Speaker, in spite of the amazing thoroughness with which the Federal Act was prepared, it has been necessary, in administering the law to interpret, clarify and define nearly every word and phrase of the act and to issue volumes of bulletins and rulings. In a number of cases it has been deemed necessary to institute test suits in order to compose differences of opinion between industries and labor and the administration concerning interpretations of the statute. With the example before us of both the Federal act and the experiences of its administration we are now about to act upon a proposed state Wage-Hour law.

It may be argued here, that the Federal Act provides a model for this state and that we need only enact House Bill No. 1231 to bring wage and hour conditions in the State's commerce into harmony with conditions in interstate commerce. No argument could be more misleading.

To give first one of many examples of the inadequacies of this proposed law: we have in Pennsylvania many meat

packing concerns doing a strictly intra-state business. Nevertheless nothing in the proposed law would provide for the exceptions necessary in that industry and which are fully recognized by the Federal administration whereby employes in that industry are exempted from the maximum hour provisions of the act for fourteen weeks per calendar year in order to handle fluctuations in live stock receipts.

Mr. Speaker, we are dealing here with a proposal in House Bill No. 1231 that is just as peculiar to Pennsylvania's intra-state commerce as the Federal Act is peculiar to inter-state commerce. But our problem is even greater by reason of the Federal Act by which many employes and many employers in Pennsylvania are inescapably bound.

It becomes very important, therefore, that any state wage-hour law shall provide for every wage-hour problem that is peculiar to intra-state trade and at the same time provide against any conflict between the state and federal acts.

I do not believe that this bill even remotely approaches that problem. The administrative agency, the Secretary of Labor and Industry in this case, would have the power to make rulings and interpretations, but only within the limits of the provisions of the act itself. He would need far more latitude than this act permits. Yet if adequate latitude were provided he would have a power so extensive as to make him absolute ruler of all industry, commerce and trade within the boundaries of the state.

Mr. Speaker, this bill has been written within the limited view of a few people. To say that they or any small group could possibly write an adequate wage-hour law for Pennsylvania, particularly in the light of experience with the national law, would be to raise these few to the status of gods. This bill was casually considered, if indeed it was considered at all by the Committee on Labor of this House for not more than one meeting of the Committee, without benefit of able expert advice, without opinion from the public, without anything.

To say that any part or all of our Labor Committee is competent to pass final approval on this type of legislation without benefit of great study, public hearings and competent expert advice, is to raise the gentlemen to the standing of geniuses.

I want to call to the attention of this House just a few of the wide open questions that are of importance and which clearly have not been considered at all by either the sponsors of this bill or the Committee on Labor.

House Bill 1231 does not exempt employers and employes already subject to the Federal Labor Standards Act. These employers and employes are governed by that act and by the very voluminous interpretation bulletins and regulations issued by the Administrator of that Act. A few of the points in question are as follows:

a. What constitutes the regular rate of wages in cases where the rate varies, where there is piece work or where there is travel time and so forth?

b. What must be considered as work time in connection with training work, special meetings, educational work and so forth?

c. What is an outside salesman and what constitutes agricultural labor?

d. Who are the executives and professional employes in an organization?

e. What are wages where there are other considerations such as board, lodging, traveling expenses, tips and so forth?

As the act stands, and even before regulations and orders are issued by the Secretary of Labor and Industry, there are vital differences between this bill and the Federal Fair Labor Standards Act which the Secretary of Labor and Industry will be powerless to rectify, as he cannot change the provisions of the Act itself.

No employer will be able consistently to observe both acts, and employes will be unable definitely to determine their rights where they are engaged in interstate commerce and subject to both Acts.

Political Sub-Divisions. Page 4, Section 2 (c) does not exempt the political sub-divisions of the state although it does exempt the state from the provisions of the Act.

Wages, Page 4, Section 2 (f) makes no provision to include board and lodging as a part of wages, and definitely states that tips or gratuities are not to be included. Board and lodging are definitely a part of wages in many cases within the State.

Daily Overtime. Page 5, Section 4 (a) this Section provides that one and one-half times the regular rate of pay shall be given for the hours in a day in excess of 8. This is in addition to the limit placed on the hours per week in excess of which time and one-half must be paid. It is not clear whether the hours paid for at time and a half daily would offset the hours to be paid for at time and a half because they exceed the weekly limit. For example: if the excess hours on Monday and Tuesday exactly equal the number of hours in excess of the weekly limit, would it be necessary also to pay time and a half for the hours in excess of the weekly limit?

This requirement of paying time and a half for all hours in excess of 8 in any one day will be a very onerous provision in many cases. It was not included as a provision of the Federal Fair Labor Standards Act.

Administration. Page 6, Section 6, authorizes the Department of Labor and Industry to set up a new bureau. Enforcement of this Act among all employers in the state would require a large force of inspectors and would lead to many court cases to determine the liability of employers under the act.

Records. Page 8, Section 8 (b)—employers are required to keep a record of the name, address, occupation, hours worked and amount paid each employe in or about the premises where any such employe is employed. Many concerns in the State have workers at scattered places and maintain centralized records containing this information. It would be impossible in many cases to keep these records at the place where work was performed. This provision could be changed so as to authorize central record keeping with a provision for producing the records at any place of employment on reasonable notice.

Mr. Speaker, any bill that proposes far reaching changes in the relations between employes and employers and the public should have the most intense and earnest consideration and study, and it should be subjected to criticism and opinion of all groups affected by its provisions.

There is a challenge in this subject of wages and hours. There may be a need in this state for a law that will protect certain classes of workers in intra-state trade from certain wage and hour practices. The same law should protect their employers from certain kinds of unhealthy

competition. Thus there might be a law firmly rooted in the principle of equal justice to worker and employer alike and with due consideration for the public. If sincere and honest and enlightened leaders of workers and genuine friends of industrial peace in this or another legislature bend their energies to it, a Pennsylvania wage-hour law could be devised to which all could subscribe. Such a law must be developed in serious study and council and perfected by the aid of wide interest and advice. We should be against any such empty gestures as House Bill 1231, no matter what anyone may choose to do about it, and by the same token we should urge both the Democratic and Republican parties to support any effort to build a workable and just wage-hour law, no matter from what source the beginning may come. As a mark of genuine interest in the problem of wages and hours in intra-state commerce and industry, and as a token of a sincere desire eventually to achieve a real solution to that problem I believe that every Member of this House should vote "no" on this bill.

Mr. PETROSKY. Mr. Speaker, I am not going to endeavor to answer the gentleman from Delaware, Mr. James, at length, but I do wish to read into the record a few brief comments on House Bill 1231.

House Bill 1231 is a new attempt to regulate minimum wage and maximum hour standards in Pennsylvania industry. The Legislature in 1937 attempted to pass similar legislation, which was held unconstitutional because it delegated legislative power to the Secretary of Labor and Industry. This act does not make the same mistake that was made in the so-called twenty-four hour week statute.

There is no unconstitutional delegation of legislative power in House Bill 1231, because Section 3 thereof sets forth the minimum wage rate specifically, while Section 4 sets forth just as specifically the maximum hours. Deviations from these limits are impossible, but the act is flexible in providing for wage boards to raise the standards in certain localities and industries. The broad sustaining principle which underlies all wage and hour legislation is that such legislation is a valid exercise of the police power of the General Assembly. The cases are extremely numerous which hold that the right to contract is subject to the police power of the sovereign state. There can be no question but that there is a definite relationship between the limitations of hours of employment and wages paid therefor and the public welfare of the citizens of the Commonwealth.

On the question of fixing wages the attention of the General Assembly is called to the line of cases sustaining the Act of April 24, 1913, generally known as the "Wage Collection Act", which cases were cited by myself a few days ago.

Since no article of the Pennsylvania Constitution is transgressed by this legislation, and since it is a valid exercise of the police power inherent in the Legislature, from a constitutional viewpoint, the act should be sustained.

Mr. Speaker, this proposed legislation is consistent in that it provides for labor in intra-state commerce the same as the Federal Wage and Hour Act provides for labor in inter-state commerce.

May I also supplement these remarks by saying that this bill will promote fair and decent competition for legitimate businesses and will eliminate the abuses that

now occur in many industries whose employers deprive their employes of the American standard of living. May I also cite to you a paragraph from a paper which I noticed this evening relative to a ruling that was first handed down by the head of the department of Labor and Industry, Mr. Hines, in fixing the minimum wage in the laundry industry for those persons under twenty-one years of age. That ruling was upheld by the Dauphin County Court, and in the same instance the Attorney General, Claude T. Reno, upheld the act and in his argument said:

"It was designed to cure the evil of low wages."

Therefore, Mr. Speaker, I submit for your favorable action House Bill 1231 and urge that you support the same.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—134

Achterman,	Gerard,	McClanaghan,	Rose, W. E.,
Baker,	Goodwin,	McDermott,	Rosenfeld,
Balthaser,	Gross,	McFall,	Rush,
Bentley,	Gryskewicz,	McLanahan,	Sarra,
Bentzel,	Haberlen,	McLane,	Scanlon,
Boles,	Haines,	McSurdy,	Schwab,
Boney,	Hamilton,	Melchiorre,	Shaffer,
Bradley,	Harkins,	Mihm,	Shaw,
Brown,	Harmuth,	Modell,	Shepard,
Brunner, P. A.,	Harris,	Monks,	Sorg,
Burns,	Heatherington,	Mooney,	Stank,
Chervenak,	Hering,	Moran,	Stine,
Chudoff,	Herman,	Moul,	Tarr,
Cohen, M. M.,	Hersch,	Munley,	Tate,
Cohen, R. E.,	Hirsch,	Nagel,	Thompson, E. F.,
Cordier,	Holland,	Nunemacher,	Thompson, R. L.,
Corrigan,	Imbrie,	O'Brien,	Verona,
Croop,	Keenan,	O'Connor,	Vincent,
Cullen,	Kenehan,	O'Dare,	Vogt,
Dalrymple,	Kilne,	O'Mullen,	Waldow,
DiGenova,	Knoble,	O'Neill,	Watkins,
Dolon,	Kolankiewicz,	Owens,	Weiss,
D'Ortona,	Komorowski,	Petrosky,	Welsh, E. B.,
Duffy,	Krise,	Pettit,	Welsh, M. J.,
Early,	Leonard,	Polaski,	Wilkinson,
Elder,	Lesko,	Polen,	Williams,
Elliot,	Levy,	Powers,	Wolf,
Falkenstein,	Leydie,	Prosen,	Woodring,
Finestone,	Longo,	Rausch,	Wright,
Fleming,	Lovett,	Readinger,	Yester,
Fletcher,	Lyons,	Reese, R. E.,	Young,
French,	Malloy,	Reynolds,	Kilroy,
Gallagher,	Marks,	Rooney,	Speaker
Gates,	Maxwell,	Rose, S.,	

NAYS—38

Auker,	Gillette,	McKinney,	Sollenberger,
Boorse,	Habbyshaw,	McMillen,	Stambaugh,
Brunner, C. H.,	Hall,	Muir,	Stockham,
Cadwalader,	Helm,	Reese, D. P.,	Taylor,
Dennison,	Hewitt,	Rhea,	Trout,
Dix,	Huntley,	Riley,	Wagner,
Eckels,	James,	Royer,	Wood, L. A.,
Ely,	Jones, G. E.,	Serrill,	Wood, N.,
Flise,	Lee, E. A.,	Snyder,	Yeakel,
Gillan,	McClester,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. REUBEN E. COHEN.

The House resumed the consideration on third reading of House Bill No. 1210, (Senate Bill No. 24), as follows:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas The practice of selling certain items of merchandise at cost or less than cost in order to attract patronage is generally a form of deceptive advertising and an unfair method of competition in commerce and

Whereas Such practice causes commercial dislocations misleads the consumer works back against the farmer directly burdens and obstructs commerce and diverts business from dealers who maintain a fair price policy and

Whereas Bankruptcies among merchants who fail because of the competition of those who use such methods result in unemployment disruption of leases and nonpayment of taxes and loans and contribute to the inevitable train of undesirable consequences including economic depression now therefore

Section 1 This act shall be known and designated and may be cited as the "Unfair Sales Act"

Section 2 (1) When used in this act the term "cost to the retailer" shall mean the invoice cost of the merchandise to the retailer or the replacement cost of the merchandise to the retailer whichever is lower less all trade discounts except customary discounts for cash advertising allowances promotional allowances display allowances and any other allowances for services rendered and any other commission or remuneration received for services performed on behalf of any governmental agencies to which shall be added (a) freight charges not otherwise included in the invoice or the replacement cost of the merchandise (b) a mark-up to cover in part the cost of doing business which mark-up in the absence of proof of a lesser cost shall be not less than four per cent of the total cost at retail outlet

(2) When used in this act the term "cost to the wholesaler" shall mean the invoice cost of the merchandise to the wholesaler or the replacement cost of the merchandise to the wholesaler whichever is lower less all trade discounts except customary discounts for cash advertising allowances promotional allowances display allowances and any other allowances for services rendered and any other commission or remuneration received for services performed on behalf of any governmental agencies to which shall be added (a) freight charges not otherwise included in the invoice or the replacement cost of the merchandise and (b) a mark-up to cover in part the cost of doing business which mark-up in the absence of proof of a lesser cost shall be not less than two per cent of the total cost at the wholesale establishment

(3) Where two or more items are advertised offered for sale or sold at a combined price the price of each item named shall be governed by the provisions of subsection (1) or (2) of section two respectively

(5) The terms "sell at retail" "sales at retail" and "retail sale" shall mean and include any transfer for a valuable consideration made in the ordinary course of trade or in the usual prosecution of the seller's business of title to merchandise to the purchaser for consumption or use other than resale or further processing or manufacturing The above terms shall include any transfer of such merchandise where title is retained by the seller as security for the payment of such purchase price

(6) The terms "sell at wholesale" "sale at wholesale" and "wholesale sales" shall mean and include any transfer for a valuable consideration made in the ordinary course of trade or the usual prosecution of the seller's business of title to merchandise to the purchaser for purposes of resale or further processing or manufacturing The above terms shall include any such transfer of merchandise where title is retained by the seller as security for the payment of the purchase price

(7) The term "retailer" shall mean and include every person partnership corporation or association engaged in the business of making sales at retail or performing the retail function within this state Provided That in the case of a person partnership corporation or association engaged in the business of making sales both at retail and

at wholesale such terms shall be applied only to the retail portion of such business

(8) The term "wholesaler" shall mean and include every person partnership corporation or association engaged in the business of making sales at wholesale or performing the wholesale function of supplying any retailer or retail outlet with merchandise for retail sale within this state Provided That in the case of a person partnership corporation or association engaged in the business of making sales both at wholesale and retail such terms shall be applied only to the wholesale portion of such business

(9) Every person partnership corporation or association engaged in the business of making sales at retail as defined in this act within this state which in addition to such business shall purchase merchandise for sale at retail from manufacturers packers processors growers or producers thereof without resort to a wholesaler as such shall be taken deemed and construed for the purpose of this act to be engaged in business both as a wholesaler and retailer as defined in this act and as such shall be subject to both the retail and wholesale mark-up provisions of this act

Section 3 It is hereby declared that advertisement offer to sell or sale of any merchandise either by retailers or wholesalers at less than cost as defined in this act with the intent of unfairly diverting trade from or otherwise injuring a competitor or with the result of deceiving any purchaser or prospective purchaser substantially lessening competition unreasonably restraining trade or tending to create a monopoly in any line of commerce is an unfair method of competition contrary to public policy and in contravention to the policy of this act

Section 4 Any retailer who shall in contravention of the policy of this act advertise offer to sell or sell at retail any item of merchandise at less than cost to the retailer as defined in this act or any wholesaler who shall in contravention of the policy of this act advertise offer to sell or sell at wholesale any item of merchandise at less than cost to the wholesaler as defined in this act or any person partnership corporation or association engaged in business both as a wholesaler and retailer as defined in this act who shall in contravention of the policy of this act advertise offer to sell or sell any item of merchandise at less than cost subject to both the retail and wholesale mark-ups provided by this act shall upon conviction thereof be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) and costs of prosecution and in default thereof shall undergo imprisonment for not more than thirty (30) days Each advertisement offer to sell or sale shall constitute a separate violation of the provisions of this act and shall subject the offender to the penalties hereby prescribed Proof of any such advertisement offer to sell or sale by any retailer or wholesaler in contravention of the policy of this act shall be prima facie evidence of a violation of this act

Section 5 In addition to the penalties provided in this act the courts of this state are hereby invested with jurisdiction to prevent and restrain violations of this act and any person partnership corporation or association shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against any loss or injury by reason of a violation of this act

Section 6 The provisions of this act shall not apply to sales at retail or sales at wholesale (a) where merchandise is sold in bona fide clearance sales if advertised marked and sold as such (b) where perishable merchandise must be sold promptly in order to forestall loss (c) where merchandise is imperfect or damaged or is being discontinued and is advertised marked and sold as such (d) where merchandise is sold upon the final liquidation of any business (e) where merchandise is sold for charitable purposes or to relief agencies (f) where merchandise is sold on contract to departments of the government or governmental institutions (g) where merchandise is sold by any officer acting under the order or direction of any court (h) where tools equipment and materials used by employees in their trade or business or appliances and products which are used therein and are or may be bene-

ficial to the safety health and working conditions of such employees are sold to employees of the seller (i) where merchandise is sold to promote the use of any public service

Section 7 If any section sentence clause or provision of this act shall for any reason be held invalid or unconstitutional the validity of the remaining parts thereof shall not be affected thereby

Section 8 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 9 The provisions of this act shall become effective sixty (60) days after final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—174

Achterman,	Foor,	Malloy,	Rose, S.,
Auker,	French,	Marks,	Rose, W. E.,
Baker,	Gallagher,	Maxwell,	Rosenfeld,
Balthaser,	Cates,	McClanaghan,	Rush,
Baugher,	Gerard,	McClester,	Sarge,
Bentley,	Goodwin,	McDermott,	Sarra,
Bentzel,	Gross,	McFall,	Scanlon,
Boles,	Gryskewicz,	McIntosh,	Serrill,
Boney,	Cyger,	McKinney,	Shaffer,
Boorse,	Habbyshaw,	McLanahan,	Shaw,
Bradley,	Haberlen,	McLane,	Shepard,
Brown,	Haines,	McSurdy,	Simons,
Brunner, C. H.,	Hall,	Melchiorre,	Snyder,
Brunner, P. A.,	Hamilton,	Mihm,	Sorg,
Burns,	Hare,	Modell,	Stank,
Burriss,	Harkins,	Monks,	Stine,
Cadwalader,	Harmuth,	Mooney,	Stockham,
Chervenak,	Harris,	Moran,	Tarr,
Cochran,	Heatherington,	Moul,	Tate,
Chudoff,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Herman,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Nagel,	Thompson, R. L.,
Cooper,	Hirsch,	Nunemacher,	Trout,
Cordier,	Holland,	O'Brien,	Turner,
Corrigan,	Huntley,	O'Connor,	VanAllsburg,
Croop,	Imbrie,	O'Dare,	Vincent,
Cullen,	Jefferson,	O'Mullen,	Vogt,
Dalrymple,	Jones, G. E.,	O'Neill,	Wagner,
Dennison,	Jones, P. N.,	Owens,	Watkins,
DiGenova,	Keenan,	Petrosky,	Weingartner,
Dix,	Kenehan,	Pettit,	Weiss,
Dolon,	Kline,	Polaski,	Welsh, E. B.,
D'Ortona,	Knoble,	Polen,	Welsh, M. J.,
Early,	Kolankiewicz,	Powers,	Wilkinson,
Eckels,	Komorofski,	Prosen,	Williams,
Elder,	Krise,	Rank,	Wolf,
Elliot,	Lee, E. A.,	Rausch,	Wood, L. H.,
Ely,	Lelsey,	Readinger,	Wood, N.,
Falkenstein,	Leonard,	Reagan,	Woodring,
Finestone,	Lesko,	Reese, D. P.,	Wright,
Fisher,	Levy,	Reese, R. E.,	Yeakel,
Fiss,	Lichtenwalter,	Reynolds,	Yester,
Fleming,	Longo,	Rhea,	Young,
Fletcher,	Lovett,	Riley,	Kilroy
	Lyons,	Rooney,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr O'BRIEN.

The House resumed the consideration on final passage of House Bill No. 329, as follows:

An Act to further amend the definition of "Restaurant" in section two and section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34), entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" eliminating some of the requirements heretofore imposed upon restaurant licenses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of "Restaurant" in section two and section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three P. L. 15 1933-34), entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred thirty-seven (P. L. 1762) are hereby further amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have which has an area within a building of not less than four hundred square feet equipped with tables and chairs accommodating at least thirty persons at one time

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption in the case of hotels only in that part of the hotel [or restaurant] habitually used for the serving of food to guests or patrons and [in the case of hotels] to guests in their private rooms in the hotel and in the case of clubs to members in their private rooms in the [hotel or] club and in the case of restaurants only in that area within a building which is licensed No club licensee nor its officers servants agents or employees other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club hold-

ing a catering license nor its officers servants agents or employes shall sell on Sunday to non-members any liquor or malt or brewed beverages. In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant [habitually used for the serving of meals to patrons] so licensed and also to guests in private guest rooms in the hotel.

Hotel restaurant and public service licensees their servants agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day and shall not sell on Sunday or after two o'clock antemeridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls. No club licensee or its servants agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day.

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor.

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

On the question resurrounding,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. O'Brien, Gallagher and Marks asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—115

Auker,	Fletcher,	Malloy,	Rhea,
Baker,	French,	Marks,	Riley,
Balthaser,	Gallagher,	Maxwell,	Rooney,
Boles,	Gryskewicz,	McClanaghan,	Rose, S.,
Boney,	Gyger,	McClester,	Rose, W. E.,
Boorse,	Haberlen,	McDermott,	Rosenfeld,
Bradley,	Haines,	McFall,	Sarraf,
Brunner, C. H.,	Hamilton,	McLanahan,	Scanlon,
Brunner, P. A.,	Harmuth,	McLane,	Shepard,
Burns,	Herman,	McSurdy,	Sorg,
Cadwalader,	Hersch,	Melchiorre,	Stank,
Cochran,	Hirsch,	Mihm,	Tarr,
Cook,	Huntley,	Modell,	Tate,
Cordier,	Imbrie,	Monks,	Taylor,
Corrigan,	Jefferson,	Mooney,	Thompson, E. F.,
Croop,	Jones, G. E.,	Moran,	Turner,
Cullen,	Fenehan,	Munley,	Van Allsburg,
Dalrymple,	Kline,	Nunemacher,	Vincent,
DiGenova,	Knoble,	O'Brien,	Vogt,
Dolon,	Kolankiewicz,	O'Connor,	Watkins,
D'Ortona,	Komorowski,	O'Dare,	Wells,
Early,	Krise,	O'Mullen,	Welsh, E. B.,
Eckels,	Lee, E. A.,	O'Neill,	Williams,
Elder,	Letsey,	Petrosky,	Wood, L. H.,
Elliott,	Leonard,	Polaski,	Woodring,
Falkenstein,	Lesko,	Powers,	Wright,
Finestone,	Lichtenwalter,	Rank,	Yester,
Fisher,	Longo,	Rausch,	Young,
Fiss,	Lovett,	Reese, David P.,	Kilroy, Speaker

NAYS—60

Baughner,	Gerard,	McKinney,	Shaffer,
Bentley,	Goodwin,	Moul,	Shaw,
Bentzel,	Gross,	Muir,	Simons,
Burris,	Habbyshaw,	Nagel,	Snyder,
Chervenak,	Hall,	Owens,	Stine,
Chudoff,	Hare,	Pettit,	Stockham,
Cohen, M. M.,	Harkins,	Polen,	Thompson, R. L.,

Cohen, R. E.,	Harris,	Prosen,	Trout,
Cooper,	Heatherington,	Readinger,	Wagner,
Dennison,	Helm,	Reagan,	Weingartner,
Dix,	Holland,	Reese, R. E.,	Welsh, M. J.,
Ely,	Keenan,	Reynolds,	Wilkinson,
Fleming,	Levy,	Rush,	Wolf,
Foor,	Lyons,	Sarge,	Wood, N.,
Gates,	McIntosh,	Serrill,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. WALTER E. ROSE filed the following reason for his vote.

I am voting in the affirmative on House Bill 329 only because I support its intent to abolish one of the unworkable requirements in liquor control enforcement which has helped to maintain the "speak easy" atmosphere in the traffic. I lament the poor manner in which the end is sought to be attained.

HOUSE BILLS ON FINAL PASSAGE AND THIRD READING MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr Speaker, I move that all House Bills on final passage and third reading in their numerical order be made a special order of business immediately.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1878, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the appointment of a deputy school treasurer a deputy school controller and clerks to the school controller and school treasurer in school districts of the first class by further providing as to the election of school controllers in school districts of the first class and as to vacancies in such office and by providing that certain stationery and books shall be supplied to school treasurers in school districts of the first class.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred twenty-four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by Section three of the Act approved the first day of June one thousand nine hundred thirty-three (P. L. 1152) is hereby further amended to read as follows

Section 324 The treasurer of each school district shall receive all State appropriations district school tax and other funds belonging to the school district and pay out the same on proper orders approved by the board of school directors signed except in districts of the first class by the president and in any school district of the first class by any other properly authorized person and attested by the secretary Provided that the treasurer may pay out such funds on orders which have been prepared and signed by the secretary and signed by the President for the payment of amounts owing under any contracts which shall previously have been approved by the board and by the prompt payment of which the district will receive a discount or other advantage without the approval of the board first having been secured Provided further that in all school districts of the first class all school orders before being paid by the school treasurer shall be approved by the school controller of such district The school treasurer of each school district of the first class may recommend to the board of public education for appointment a deputy school treasurer The board of public education shall appoint as deputy school treasurer the candidate recommended by the school treasurer who in case of death resignation or inability of the school treasurer to act for any cause whatsoever shall have the same powers and shall perform the same duties as imposed by law on the school treasurer In case the School Treasurer does not recommend to the Board of Public Education for appointment a Deputy School Treasurer the Board of Public Education may elect a Deputy School Treasurer who shall serve until such time as the School Treasurer recommends to the Board of Public Education the appointment of a Deputy School Treasurer The salary of the deputy school treasurer shall be fixed by the Board of Public Education He shall furnish bond in the sum of Ten Thousand (\$10,000.00) dollars

Section 2 Section two thousand two hundred and nine of the said act is hereby amended to read as follows

Section 2209 In each school district of the first class in this Commonwealth the board of education therein [at the beginning of each fiscal year] shall elect the controller of the city comprising such district as school controller for said district [.] for and during his term of office as city controller The school controller of each school district of the first class may recommend to the board of public education for appointment a deputy school controller The board of public education shall appoint as deputy school controller the candidate recommended by the school controller who in case of death resignation or inability of the school controller to act for any cause whatsoever shall have the same powers and shall perform the same duties as imposed by law on the School Controller In case the school controller does not recommend to the board of public education for appointment deputy school controller the board of public education may elect a deputy school controller who shall serve until such time as the school controller recommends to the board of public education the appointment of a deputy school controller The salary of the deputy school controller shall be fixed by the board of public education He shall furnish bond in the sum of Ten Thousand (\$10,000.00) Dollars

Section 3 Section two thousand two hundred and twelve of the said Act is hereby amended to read as follows

Section 2212 The board of public education in school districts of the first class [may] shall appoint [annually] upon the recommendation of the school controller and school treasurer respectively such [clerk] clerks as [it] [deems] they deem necessary to assist [the school controller] them in the performance of their duties All such appointments shall be made upon the [nomination] recommendation of the school controller and school treasurer and their salaries shall be fixed by the board of public education [before any appointment is] at the time the appointments are made The school controller and school treasurer shall in addition to [his salary] their salaries

be furnished by the school district in which [he is] they are elected with necessary stationery and books required by [him] them in the performance of [his] their duties as school controller or school treasurer

Section 4 Section two thousand two hundred and thirteen of the said Act is hereby amended to read as follows

Section 2213 In case there is a vacancy in the office of school controller by reason of death resignation or otherwise such vacancy shall be filled [for the remainder of the year] by the election of the city controller by the board of public education [.] for and during his term of office as city controller

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

Section 6 The provisions of this act shall become effective immediately upon final enactment

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—174

Achterman,	French,	Marks,	Rose, W. E.,
Auker,	Gallagher,	Maxwell,	Rosenfeld,
Baker,	Gates,	McClanaghan,	Rush,
Balthaser,	Gerard,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarra,
Bentley,	Gross,	McFall,	Scanlon,
Bentzel,	Gryskewicz,	McIntosh,	Serrill,
Boles,	Gyger,	McKinney,	Shaffer,
Boney,	Habbysaw,	McLanahan,	Shaw,
Boorse,	Haberlen,	McLane,	Shepard,
Bradley,	Haines,	McSurdy,	Simons,
Brown,	Hall,	Melchiorre,	Snyder,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stank,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chervenak,	Heatherington,	Moul,	Tate,
Chudoff,	Helm,	Muir,	Taylor,
Cochran,	Herman,	Munley,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Nagel,	Thompson, R. L.,
Cohen, R. E.,	Hirsch,	Nunemacher,	Trout,
Cooper,	Holland,	O'Brien,	Turner,
Cordier,	Huntley,	O'Connor,	VanAllsburg,
Corrigan,	Imbrie,	O'Dare,	Vincent,
Croop,	Jefferson,	O'Mullen,	Vogt,
Cullen,	Jones, G. E.,	O'Neill,	Wagner,
Dalrymple,	Jones, P. N.,	Owens,	Watkins,
Dennison,	Keenan,	Petrosky,	Weingartner,
DiGenova,	Kenehan,	Pettit,	Wells,
Dix,	Kline,	Polaski,	Welsh, E. B.,
Dolon,	Knoble,	Polen,	Welsh, M. J.,
D'Ortona,	Kolankiewicz,	Powers,	Wilkinson,
Early,	Komorowski,	Prosen,	Williams,
Eckels,	Krise,	Rank,	Wolf,
Elder,	Lee, E. A.,	Rausch,	Wood, L. H.,
Elliot,	Leisey,	Readinger,	Wood, N.,
Ely,	Leonard,	Reagan,	Woodring,
Falkenstein,	Lesko,	Reese, D. P.,	Woodside,
Finestone,	Levy,	Reese, R. E.,	Wright,
Fisher,	Lichtenwalter,	Reynolds,	Yeakel,
Fliss,	Longo,	Rhea,	Yester,
Fleming,	Lovett,	Riley,	Young,
Fletcher,	Lyons,	Rooney,	Kilroy,
For,	Malley,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 924, as follows:

An Act to amend section four hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing of operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating the registration of motor vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended by adding thereto after clause (c) a new clause to read as follows

Section 402 Application for Registration

(d) Applicants for registration or renewal of registration in addition to the above requirements shall be required to furnish the name of the insurance company if any which insures the applicant for personal or property damage that may be sustained by others as a result of the operation of the vehicle to be registered This information shall upon request be made available by the department to any person in the Commonwealth

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TROUT. Mr. Speaker, I desire to ask the sponsor of the bill, Mr. Prosen of Philadelphia, to explain the provisions, and what he expects to accomplish by this legislation.

Mr. PROSEN. Mr. Speaker, may I interrogate the gentleman from Lancaster, Mr. Trout?

The SPEAKER. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. TROUT. I shall, Mr. Speaker,

Mr. PROSEN. Mr. Speaker, has the gentleman from Lancaster read the bill? I ask that because the bill is very short and there is no purpose in the bill other than that which is expressed in the eight or nine lines that constitute the bill.

Mr. TROUT. Mr. Speaker, one of the questions I asked the gentleman from Philadelphia was what he expected to accomplish by the bill. I don't know that that is expressed in the bill.

Mr. PROSEN. Mr. Speaker, there is no purpose other than that which is expressed in the bill.

Mr. TROUT. Mr. Speaker, I think there must be some purpose and there must be something the gentleman from Philadelphia wishes to accomplish by this proposed legislation. If there is no purpose in the bill there does not seem to me to be any reason why it should be enacted.

Mr. PROSEN. Mr. Speaker, I think I have answered the gentleman. Either vote for the bill or against it. There is no purpose other than what is stated in the bill. This bill happens to be a clean, innocent, so-called lawyers' bill.

Mr. TROUT. Mr. Speaker, I thought probably he included the minor judiciary also. I would not have any particular objection to this bill if I could see where anything could be accomplished, but this bill if enacted would certainly give the Department of Revenue an untold amount of work, and any person, whether for his own personal curiosity or any other reason, could make a request of the Department of Revenue and find out how or where the owner was insured, if he carried insurance. Then again if a new registration is taken out or there is a renewal, or a change of insurance, it would be necessary to state that. If it is a lawyers' bill, I notice it was first made for attorneys at law and then afterward changed to any person, and I do not see any reason why the Department of Revenue should be placed in that position and given that amount of work without some real purpose in mind.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—95

Achterman,	Gryskewicz,	Melchiorre,	Rooney,
Baker,	Haberlen,	Mihm,	Rose, S.,
Balthaser,	Harkins,	Modell,	Rosenfeld,
Baughner,	Harmuth,	Monks,	Sarra,
Bentley,	Heatherington,	Mooney,	Scanlon,
Boles,	Hering,	Moran,	Shaffer,
Boney,	Herman,	Munley,	Shepard,
Bradley,	Hersch,	Nagel,	Stine,
Brown,	Holland,	Nunemacher,	Tarr,
Burns,	Jefferson,	O'Brien,	Tate,
Chudoff,	Jones, P. N.,	O'Mullen,	Thompson, E. F.,
Cohen, M. M.,	Keenan,	O'Neill,	Turner,
Cohen, R. E.,	Kolankiewicz,	Owens,	Verona,
Corrigan,	Komorowski,	Petrosky,	Vincent,
Croop,	Leonard,	Pettit,	Vogt,
Cullen,	Lesko,	Polaski,	Weiss,
DiGenova,	Levy,	Polen,	Welsh, E. B.,
Early,	Longo,	Powers,	Welsh, M. J.,
Elliott,	Marks,	Prosen,	Williams,
Falkenstein,	Maxwell,	Rank,	Wright,
Finestone,	McClanaghan,	Readinger,	Yester,
Gallagher,	McDermott,	Reese, D. P.,	Young,
Gardner,	McFall,	Reese, R. E.,	Kilroy
Goodwin,	McIntosh,	Reynolds,	Speaker.

NAYS—67

Bentzel,	Fleming,	James,	Serrill,
Boorse,	Foor,	Kline,	Shaw,
Bower,	French,	Knoble,	Simons,
Brunner, C. H.,	Gillan,	Krise,	Snyder,
Burris,	Gillette,	Lee, E. A.,	Sollenberger,
Cadwalader,	Gross,	Lyons,	Stambaugh,
Chervenak,	Gyger,	McClester,	Stockham,
Cochran,	Habbyshaw,	McKinney,	Taylor,
Cooper,	Haines,	McSurdy,	Thompson, R. L.,
Cordier,	Hall,	Moul,	Trout,
Dairymple,	Hamilton,	Muir,	VanAlsbury,
Dennison,	Hare,	O'Connor,	Wagner,
Dix,	Harris,	Reagan,	Watkins,
Eckels,	Helm,	Riley,	Weingartner,
Ender,	Hirsch,	Rose, W. E.,	Wilkinson,
Ely,	Huntley,	Royer,	Wood, L. H.,
Fiss,	Imbrie,	Sarge,	Wood, N.,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 513, as follows:

An Act to further amend section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" granting certain retirement rights to persons who have withdrawn from and returned to school service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2601) is hereby further amended to read as follows

Withdrawal

Section 12 (1) Should a contributor by resignation or dismissal or in any other way than by death or retirement separate from the school service or should such contributor legally withdraw from the retirement system he or she shall be paid on demand from the fund created by this act (a) The full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or in lieu thereof should he or she so elect (b) an annuity or a deferred annuity which shall be the actuarial equivalent of said accumulation deductions His or her membership in the retirement associations shall thereupon cease

(2) Should an employee so separated from the school service return within five years and restore to the School Employees' Retirement Fund to the credit of the annuity savings account his or her accumulated deductions as they

were at the time of his or her separation the annuity rights forfeited by him or her at that time shall be restored

Each employee who separated from school service prior to the first day of July one thousand nine hundred and twenty-five and who subsequently returned or shall return to school service prior to July first one thousand nine hundred and [thirty-four] thirty-five after more than five years' absence shall at retirement for superannuation be entitled to have full credit for each year of service in the public schools of Pennsylvania Provided

(a) He or she shall have rendered not less than twenty years of service in the public schools of Pennsylvania prior to the retirement and

(b) He or she shall have restored to the School Employees' Retirement Fund to the credit of the annuity savings account his or her accumulated deductions as they were at the time of his or her separation

Each employee who separates from school service after the first day of July one thousand nine hundred and twenty-five and who returns to school service after a longer absence than five years shall have his or her annuity rights restored in accordance with the provisions of this paragraph provided he or she fulfils the conditions named in paragraphs (a) and (b) of this clause and in addition thereto (c) shall have left with the retirement board at least twenty per centum of his or her accumulated deductions at the time of his or her separation and (d) shall return to service prior to the age of fifty-nine years

In no case shall an employee who has separated from school service and who later returned to school service after five or more years of absence be eligible to retirement on account of disability until he or she shall have rendered at least three years of service subsequent to such return

In any case the restoration of the accumulated deductions provided herein may be made by the payment of a lump sum or any actuarial equivalent approved by the retirement board

Subject to such rules and regulations as the retirement board may adopt the provisions of this act shall be applicable beginning July first one thousand nine hundred and twenty-five to all who are on the retired list of Pennsylvania public school employees at the time this bill becomes a law

(3) Should a contributor die before retirement his or her accumulated deductions shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—174

Achterman,	Foor,	Marks,	Rose, S.,
Auker,	French,	Maxwell,	Rose, W. E.,
Baker,	Gallagher,	McClanahan,	Rosenfeld,
Balthaser,	Gates,	McClester,	Rush,
Baughner,	Gerard,	McDermott,	Sarge,
Bentley,	Goodwin,	McFall,	Sarraf,
Bentzel,	Gross,	McIntosh,	Scanlon,
Boles,	Gryskewicz,	McKinney,	Serrill,
Boney,	Gyger,	McLanahan,	Shaffer,
Boorse,	Habbyshaw,	McLane,	Shaw,
Bower,	Haberlen,	McSurdy,	Shepard,
Bradley,	Haines,	Melchiorre,	Simons,
Brown,	Hall,	Mihm,	Snyder,
Brunner, C. H.,	Hamilton,	Modell,	Sorg,
Brunner, P. A.,	Hare,	Monks,	Stank,
Burns,	Harkins,	Mooney,	Stine,
Burris,	Harmuth,	Moran,	Stockham,

Cadwalader,	Harris,	Moul,	Tarr,
Chervenak,	Heatherington,	Muir,	Tate,
Chudoff,	Helm,	Munley,	Taylor,
Cochran,	Herman,	Nagel,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Nunemacher,	Thompson, R. L.,
Cohen, R. E.,	Hirsch,	O'Brien,	Trout,
Cooper,	Holland,	O'Connor,	VanAllsburg,
Cordier,	Huntley,	O'Dare,	Vincent,
Corrigan,	Imbrie,	O'Mullen,	Vogt,
Croop,	Jefferson,	O'Neill,	Wagner,
Cullen,	Jones, G. E.,	Owens,	Watkins,
Dalrymple,	Keenan,	Petrosky,	Weingartner,
Dennison,	Kenahan,	Pettit,	Weiss,
DiGenova,	Kilne,	Polaski,	Welsh, E. B.,
Dix,	Knoble,	Polen,	Welsh, M. J.,
Dolon,	Kolankiewicz,	Powers,	Wilkinson,
D'Ortona,	Komorowski,	Prosen,	Williams,
Early,	Krise,	Rank,	Wolf,
Eckels,	Lee, E. A.,	Rausch,	Wood, L. H.,
Elder,	Lelsey,	Readinger,	Wood, N.,
Elliott,	Leonard,	Reagan,	Woodring,
Ely,	Lesko,	Reese, D. P.,	Woodside,
Falkenstein,	Levy,	Reese, R. E.,	Wright,
Finestone,	Lichtenwalter,	Reynolds,	Yeakel,
Fisher,	Longo,	Rhea,	Yester,
Fiss,	Lovett,	Riley,	Young,
Fleming,	Lyons,	Rooney,	Kilroy, Speaker
Fletcher,	Malloy,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1014, as follows:

An Act to further amend clause eight of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the minimum salary of county superintendents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause eight of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section eight of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2592) is hereby further amended to read as follows

Section 1210

* * * *

8 County superintendents of counties having a population of less than twenty thousand (20,000) minimum annual salary three thousand dollars (\$3,000) county superintendents of counties having a population of twenty thousand and more but less than forty-five thousand (45,000) minimum annual salary three thousand five hundred dollars (\$3,500) county superintendents of counties having a population of forty-five thousand and more but less than one hundred and fifty thousand (150,000) minimum annual salary four thousand dollars (\$4,000) county superintend-

ents of counties having a population of one hundred and fifty thousand (150,000) or more minimum annual salary four thousand five hundred dollars (\$4,500) all assistant county superintendents and supervisors of special education minimum annual salary three thousand dollars (\$3,000)

Section 2 The provisions of this act shall become effective the first day of July one thousand nine hundred and forty-one

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—174

Achterman,	French,	Marks,	Rose, W. E.,
Auker,	Gallagher,	Maxwell,	Rosenfeld,
Baker,	Gates,	McClanaghan,	Rush,
Balthaser,	Gerard,	McClester,	Sarge,
Baughner,	Goodwin,	McDermott,	Sarraf,
Bentley,	Gross,	McFall,	Scanlon,
Bentzel,	Gryskewicz,	McIntosh,	Serrill,
Boles,	Cyger,	McKinney,	Shaffer,
Boney,	Habbyshaw,	McLanahan,	Shaw,
Boorse,	Haberlen,	McLane,	Shepard,
Bradley,	Haines,	McSurdy,	Simons,
Brown,	Hall,	Melchiorre,	Snyder,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stank,
Burns,	Harkins,	Monks,	Stine,
Burriss,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chervenak,	Heatherington,	Moul,	Tate,
Chudoff,	Helm,	Muir,	Taylor,
Cochran,	Herman,	Munley,	Thompson, E.,
Cohen, M. M.,	Hersch,	Nagel,	Thompson, R.,
Cohen, R. E.,	Hirsch,	Nunemacher,	Trout,
Cooper,	Holland,	O'Brien,	Turner,
Cordier,	Huntley,	O'Connor,	Van Allsburg,
Corrigan,	Imbrie,	O'Dare,	Vincent,
Croop,	Jefferson,	O'Mullen,	Vogt,
Cullen,	Jones, G. E.,	O'Neill,	Wagner,
Dalrymple,	Jones, P. N.,	Owens,	Watkins,
Dennison,	Keenan,	Petrosky,	Weingartner,
DiGenova,	Kenahan,	Pettit,	Weiss,
Dix,	Kilne,	Polaski,	Welsh, E. B.,
Dolon,	Knoble,	Polen,	Welsh, M. J.,
D'Ortona,	Kolankiewicz,	Powers,	Wilkinson,
Early,	Komorowski,	Prosen,	Williams,
Eckels,	Krise,	Rank,	Wolf,
Elder,	Lee, E. A.,	Rausch,	Wood, L. H.,
Elliott,	Lelsey,	Readinger,	Wood, N.,
Ely,	Leonard,	Reagan,	Woodring,
Falkenstein,	Lesko,	Reese, D. P.,	Woodside,
Finestone,	Levy,	Reese, R. E.,	Wright,
Fisher,	Lichtenwalter,	Reynolds,	Yeakel,
Fiss,	Longo,	Rhea,	Yester,
Fleming,	Lovett,	Riley,	Young,
Fletcher,	Lyons,	Rooney,	Kilroy,
Foot,	Malloy,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1857, as follows:

An Act making an appropriation to the Department of Revenue for the payment of claims against the Commonwealth arising from damage by fire caused by defective wires used for operating airplane beacons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two thousand five hundred dollars (\$2,500) or as much thereof as may be necessary is hereby appropriated to the Department of Revenue for the payment of any claims against the Commonwealth arising from damage by fire to buildings and their contents caused by the use of defective electric transmission wires furnished by the Division of Aeronautics of the Department of Revenue for use in operating airplane beacons. Payments from this appropriation shall be made on requisition of the Secretary of Revenue with the approval of the Department of Justice

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—174

Achterman,	Foor,	Marks,	Rose, W. E.,
Auker,	French,	Maxwell,	Rosenfeld,
Baker,	Gallagher,	McClanaghan,	Rush,
Balthaser,	Gates,	McClester,	Sarge,
Baughner,	Gerard,	McDermott,	Sarra,
Bentley,	Goodwin,	McFall,	Scanlon,
Bentzel,	Gross,	McIntosh,	Serrill,
Boles,	Gryskewicz,	McKinney,	Shaffer,
Boney,	Gyger,	McLanahan,	Shaw,
Boorse,	Habbyshaw,	McLane,	Shepard,
Bradley,	Haberlen,	McSurdy,	Simons,
Brown,	Haines,	Melchiorre,	Snyder,
Brunner, C. H.,	Hall,	Mihm,	Sorg,
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burriss,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Taylor,
Cochran,	Helm,	Munley,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Nagel,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nunemacher,	Trout,
Cooper,	Hirsch,	O'Brien,	Turner,
Cordier,	Holland,	O'Connor,	VanAllsburg,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	Jefferson,	O'Neill,	Wagner,
Dairymple,	Jones, G. F.,	Owens,	Watkins,
Dennison,	Keenan,	Petrosky,	Weingartner,
DiGenova,	Kenehan,	Pettit,	Weiss,
Dix,	Kline,	Polaski,	Welsh, E. B.,
Dolon,	Knoble,	Polen,	Welsh, M. J.,
D'Ortona,	Kolankiewicz,	Powers,	Wilkinson,
Early,	Krise,	Prosen,	Williams,
Eckels,	Komoroski,	Rank,	Wolf,
Elder,	Lee, E. A.,	Rausch,	Wood, L. H.,
Elliot,	Leisey,	Readinger,	Wood, N.,
Ely,	Leonard,	Reagan,	Woodring,
Falkenstein,	Lesko,	Reese, D. P.,	Wright,
Finestone,	Levy,	Reese, R. E.,	Yeakel,
Fisher,	Lichtenwalter,	Reynolds,	Yester,
Fiss,	Longo,	Rhea,	Young,
Fleming,	Lovett,	Riley,	Kilroy,
Fletcher,	Lyons,	Rooney,	Speaker.
	Malloy,	Rose, S.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1462, as follows:

An Act to regulate the locating drilling casing filling and abandoning of natural gas and petroleum wells on prop-

erty underlaid with workable bituminous coal beds having for its object the protection of life and property by preventing intrusion of oil and gas therefrom into coal mines in territory containing workable coal beds and conferring powers and imposing duties upon the Department of Mines and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Definitions

Section 1 For the purpose of this act the following words terms and phrases shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

Well The term "well" shall mean any bore hole drilled for the purpose of developing natural gas or petroleum or a bore hole producing natural gas or petroleum

Well Operator The term "well operator" shall include any person persons firm partnership corporation company or association that proposes to or does drill operate or abandon a well at a location shown by reliable records of the Department of Mines to be underlaid with a workable coal bed

Coal Operator The term "coal operator" shall include any person firm partnership corporation company or association that proposes to or does operate a coal mine in territory known or reputed to be underlain with oil or gas bearing strata

Department or Department of Mines The terms "Department" or "Department of Mines" shall mean the duly constituted authority under the laws of this state having jurisdiction over coal mine operations and oil and gas well operations as herein provided

Plat The term "plat" shall mean a map drawing or print made in accordance with the provisions of this act and showing the location of well or wells as herein defined

Casing The term "casing" shall mean a string or strings of pipe commonly placed in wells drilled for natural gas or petroleum

Oil and Gas The terms oil and "gas" shall be synonyms respectively for petroleum and natural gas

Cement The term "cement" shall mean hydraulic cement properly mixed with water only

Clay The term "clay" means a red clay impervious to water which when thoroughly mixed with water shall be used instead of cement when and where agreed upon by the coal operator the well operator and the Department of Mines

Workable Coal Bed The term "workable coal bed" shall mean any seam of coal twenty-four inches or more in thickness in the now known coal areas and a coal bed from which it is physically and economically feasible to remove coal and in which in the judgment of the Department of Mines protection of life and property is required when the wells are drilled through it The provisions of this act in so far as the casing of wells is concerned shall not apply to coal seams where in the opinion of the Department of Mines such well will be abandoned and plugged in accordance with the provisions of this act before mining operations reach the well location

Article II

Location of Well

Section 201 Before drilling a well on property underlaid with one or more known and workable coal beds the well operator shall notify the Department of Mines in writing of his desire to drill and send therewith a description and plat showing the proposed location

Section 202 The location of the well shall be determined by survey and the description and plat shall give the course and distance from two permanent points on the tract of land to be drilled together with the name of the tract and the names of the adjoining owners as well as the township and county in which it is to be located

Section 203 The location made in accordance with the provisions of section two shall be the final location unless objections thereto shall be made by either the coal operator or the Department of Mines within five days of receipt of the notice aforesaid In the event of such objection a final location shall be fixed in accordance with the majority opinion of the group of three persons made up of a representative of the Department of Mines the coal operator and the well operator and the record of it made a part of the permanent records of the Department of Mines Should the first location be final the plat showing it shall be filed among the permanent records of the Department of Mines

Section 204 Locations shall be made in such manner as to preclude the possibility of the passing of wells through traveling air haulage drainage or other passage ways of operating coal mines and in such manner as will obviate danger to mine operations and necessary surface structures The precaution here required shall apply also to workings and improvements which have been projected but not developed or made

A location which does not contemplate the retention of a pillar of coal surrounding the well for protection of the mine and the protection of the well itself shall not be approved except as hereinafter provided The sizes of such pillars as well as the distances of wells from passage ways mine openings and surface structures shall be jointly fixed by the majority opinion of the group of three comprised of a representative of the well operator the coal operator and the Department of Mines

Article III

Drilling of Wells and Protection of Wells and Workable Coal Beds

Section 301 A well penetrating one or more workable coal beds shall be drilled to such a depth and of such a size as will permit the placing of casing and packers in the hole at such points and in such manner as will exclude all oil gas or gas pressure from the coal bed except such as may be found in the coal bed itself

Each string of casing to be installed in the hole shall be provided with a steel casing shoe or collar to be firmly fixed on the bottom of the string of casing

Each string of casing run through a workable coal bed shall be seated at least thirty feet below said coal bed in twenty feet of cement mud clay or other non-porous material which will make an effective seal After the first string of casing has been so seated drilling may proceed to any required depth and a second string running through a workable coal bed as well as succeeding strings may be set in a similar manner

Section 302 In the event that gas is found beneath a workable coal bed before the hole has been reduced from the size it had been at the coal bed a packer shall be placed below the coal bed and the gas by means of it diverted to the inside of the adjacent string of casing through perforations made in said casing and through it passed to the surface without contact with the coal bed Should gas be found between two workable beds of coal in a hole of the same diameter from bed to bed two packers shall be placed with perforations in the casing between them permitting the gas to pass to the surface inside the adjacent casing In either of the cases here specified the strings of casing shall extend from their seats to the surface at the top of the well

Section 303 In the event that a well becomes productive of natural gas or petroleum all coal-protecting strings of casing shall remain in place during the life of the well During the life of the well the annular spaces between the various strings of casing adjacent to workable coal beds shall be kept open and the tops of the said casings shall be provided with casingheads or other suitable devices which will permit the free passage of gas but prevent accidental or malicious filling of the said annular spaces with dirt or debris

Section 304 Should it be found necessary to drill a well through the horizon of a coal bed mining operations

being concluded and the coal removed the hole shall be drilled at least thirty feet below the coal bed of a size sufficient to permit the placing of a liner which shall start not less than twenty feet beneath the horizon of the coal bed and extend not less than twenty feet above it Within this liner which may be welded to the casing to be used shall be centrally placed the largest sized casing to be used in the well and the space between the liner and casing shall be filled with cement as they are lowered into the hole Cement shall be placed in the bottom of the hole to a depth of twenty feet to form a sealed seat for both liner and casing Beyond this point drilling shall proceed in the manner named in previous sections of this article

Should it be necessary to drill through the horizon of two or more workable coal beds in which mining has been concluded and the coal removed the liner as aforesaid shall be started not less than twenty feet below the lowest horizon penetrated and be extended to a point not less than twenty feet above the highest

Article IV

Plugging and Abandonment of Wells

Section 401 Prior to the abandonment of a well within the area as defined by Article 2 the well operator shall notify in writing the coal operator if there be one involved and if known and the State Mining Department of his intention so to do in order that representatives of either or both may have opportunity to inspect the work of plugging and filing Whether or not such representatives be present five days after delivery of notice as aforesaid the well operator may proceed to plug and fill in the manner hereinafter described When said plugging and filling shall have been completed two experienced men who have performed the work shall make affidavit that it has been properly performed Said affidavit shall be made in triplicate and filed among the permanent records of the well operator the coal operator and the Department of Mines

Section 402 Where the well has penetrated one or more workable coal beds it shall be filled to and securely plugged at a point twenty feet above the top of the highest oil or gas-bearing stratum From this point the hole shall be solidly filled to the surface with mud clay or other non-porous material or it may be filled to the surface in the same manner starting from a securely anchored bridge not less than forty feet below the lowest workable coal bed

It is provided however that if in the judgment of the well operator the coal operator and the Department of Mines a permanent outlet to the surface is required such outlet shall be provided in the following manner

A plug of cement or other suitable material shall be placed in the well at a point not less than thirty feet below the lowest workable coal bed In this plug and penetrating it shall be securely fastened a two-inch pipe without obstructions which shall extend from the plug to a point five feet above the surface where it shall be provided with a "U" shaped bend

Following the setting of the cement plug and two-inch outlet pipe as aforesaid the hole shall be filled with cement to a point twenty feet above the lowest workable coal bed From this point the hole shall be filled with mud clay or other non-porous material to a point thirty feet beneath the next overlying workable coal bed if such there be and the next succeeding fifty feet of the hole filled with cement From the point last named the remainder of the hole shall be filled with mud clay or other non-porous material Should there be more than two workable coal beds each shall be protected and the hole finally filled in the manner heretofore described in this same paragraph

Article V

Coal Mining

Section 501 Before opening a mine on property known or reputed to be underlain with oil or gas-bearing strata

turn the coal operator shall notify the well operator or operators in possession of the rights to drill in such oil or gas-bearing stratum when known of his intention to do so and shall send therewith a plat showing the proposed location of the mine and having projected thereon as nearly as may be the proposed manner of operation on said property. He shall at the same time and in the same manner notify the Department of Mines of his intention.

Section 502 The location and projection shown on the plat aforesaid shall be final unless objection thereto shall be made by either the well operator or the State Department of Mines within five days of receipt of the notice aforesaid. In the event of such objection another and final location and projection shall be fixed in accordance with the majority opinion of the group of three persons made up of a representative of the Department of Mines the coal operator and the well operator and the record of it made a part of the permanent records of the Department of Mines. Should the first location and projection be final the plat on which they are shown shall be made a part of the permanent records of the Department of Mines.

Section 503 Changes in the final location herein specified may be made by the coal operator provided that the well operator and the Department of Mines shall have had five days' prior notice which notice shall describe the change proposed and provided further that the change proposed shall not interfere with work already performed by the well operator.

Article VI

Administration

Section 601 It shall be the duty of the Department of Mines acting through its mine inspectors to exercise general supervision over the drilling and abandoning of all wells drilled in the Bituminous Coal region of Pennsylvania within the area as defined in Article 2 for the production of natural gas or petroleum and the records and operations of well operators and coal operators so far as may be necessary for the proper administration of the provisions of this act shall at all times be open for examination by the duly authorized deputies of the Department.

Section 602 All expenditures necessary for the proper performance of the requirements imposed by these regulations shall be made by well operators and coal operators as and when their needs shall appear and shall be collectible by each from the other in proportion as their respective rights are established in any particular property which is by them jointly owned or operated.

Section 603 Whether or not it is expressly stated hereinbefore appeal from any decision agreement interpretation or modification made under the provisions of this act may be made to the court of common pleas of the county in which the property involved is located by any of the interested parties. All operations affected by such an appeal shall be suspended pending its hearing and the decision of the court of common pleas in any such appeal shall be final.

Article VII

Penalties Repealer Effective Date

Section 701 Any person who neglects or refuses to perform the duties required by him by this act or the regulations adopted by the Department of Mines hereunder or who violates any of the provisions or requirements thereof shall be deemed guilty of a misdemeanor and shall on conviction be punished by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a period not exceeding six months or both at the discretion of the court.

If any such violations are brought to the attention of the Secretary of the Department of Mines or to the bituminous mine inspectors he or they shall make a thorough investigation and if he or they find that any person or persons have violated neglected or refused to

comply with the provisions of this act or the regulations adopted hereunder he or they shall cause information to be made against such person or persons according to law.

Section 702 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 703 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Burns, Heatherington and Monk asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—114

Achterman,	Flynn,	Maxwell,	Reese, R. E.,
Auker,	French,	McClanaghan,	Reynolds,
Baker,	Gallagher,	McDermott,	Rooney,
Balthaser,	Gerard,	McFall,	Rose, S.,
Baughner,	Goodwin,	McLanahan,	Rush,
Bentley,	Gryskewicz,	McLane,	Sarrafi,
Bentzel,	Haberlen,	Melchiorre,	Scanlon,
Boles,	Hamilton,	Mihm,	Shaffer,
Boney,	Harkins,	Modell,	Shaw,
Brown,	Harmuth,	Monks,	Shepard,
Brunner, P. A.,	Harris,	Mooney,	Stine,
Burns,	Heatherington,	Moran,	Tarr,
Chervenak,	Hering,	Moul,	Tate,
Chudoff,	Herman,	Munley,	Thompson, E. P.,
Cochran,	Hersch,	Nagel,	Thompson, R. L.,
Cohen, R. E.,	Hirsch,	Nunemacher,	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Jefferson,	O'Connor,	Vogt,
Cullen,	Jones, P. N.,	O'Mullen,	Weise,
Dalrymple,	Keenan,	O'Neill,	Welsh, E. B.,
DiGenova,	Kenehan,	Owens,	Welsh, M. J.,
Dolon,	Kolankiewicz,	Petrosky,	Williams,
D'Ortona,	Komorowski,	Pettit,	Woodring,
Early,	Leonard,	Polaski,	Wright,
Elliot,	Lesko,	Polen,	Yester,
Falkenstein,	Longo,	Powers,	Young,
Finestone,	Lovett,	Prosen,	Kilroy,
Fleming,	Malloy,	Rausch,	Speaker.
Fletcher,	Marks,	Readinger,	

NAYS—57

Boorse,	Gyger,	McClester,	Sollenberger,
Bower,	Habbyshaw,	McKinney,	Stambaugh,
Brunner, C. H.,	Haines,	Muir,	Stockham,
Cadwalader,	Hall,	O'Dare,	Taylor,
Cook,	Hare,	Rank,	Trout,
Cooper,	Helm,	Reese, D. P.,	Turner,
Dennison,	Huntley,	Rhea,	Wagner,
Eckels,	Imbrie,	Riley,	Watkins,
Elder,	Kline,	Rose, W. E.,	Weingartner,
Ely,	Kruse,	Royer,	Wilkinson,
Fiss,	Levy,	Sarge,	Wood, L. H.,
Gates,	Leydic,	Serrill,	Wood, N.,
Gillette,	Lichtenwalter,	Simons,	Woodside,
Greenwood,	Lyons,	Snyder,	Yeakel,
Gross,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1854, Printer's No. 1083, was passed over at the request of Mr. WOODRING.

There being no objection House Bill No. 1880, Printer's

No. 1084, was passed over at the request of Mr. ACHTERMAN.

RESOLUTION No. 105—COMMITTEE APPOINTED

The SPEAKER. Pursuant to Resolution No. 105, Printer's No. 1105, adopted by the House July 1, the Chair appoints the following committee Messrs. ROSENFELD, Chairman, HERSCH, ROONEY, O'DARE and VOORHEES.

REPORT FROM COMMITTEE

Mr. GALLAGHER, from the Committee on Elections, reported as committed, House Bill No. 1963, entitled:

An Act to add clause (i) to section seven hundred and four of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special, and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners, imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by adding rule for determining residence in case of electors compelled to remove from their place of residence by agencies or bodies having right of eminent domain or acquiring property for carrying out National defense programs.

CONDOLENCE RESOLUTION

Mr. MOUL offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, July 7, 1941.

Whereas, The House of Representatives has been profoundly shocked to learn of the sudden death in an automobile accident of the Honorable Lee S. Fake, seventy-two year old attorney, and a former member of the House; and

Whereas, Lee S. Fake was known throughout the County of York, where he practiced law, both for his knowledge of the law and for his ethical conduct which was of the highest; and

Whereas, He was prominent in all the communal activities of his home, and a leading member of St. Paul's Lutheran Church, Stoverstown; and

Whereas, Throughout his lifetime, he devoted himself to the improvement of his community, and to the highest principles of the American Bar; be it therefore

Resolved, That the House of Representatives mourns the passing of so distinguished a citizen of this Commonwealth; and be it further

Resolved, That the Chief Clerk of the House mail a copy of this resolution to the family of the deceased as a token of the most sincere sympathy of the House of Representatives for them in so great a bereavement.

CONGRATULATORY RESOLUTION

Messrs. O'MULLEN, KOLANKIEWICZ and HERSCH offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, July 7th, 1941.

Whereas, On Saturday June 28th, the Honorable James R. Rooney celebrated his 47th birthday; and

Whereas, The Honorable James R. Rooney as of the present time neither drinks or suffers from most of the other human frailties; and

Whereas, This fact enables him to devote most of his time to the problems of the Commonwealth with the result that they are solved in so brilliant a fashion, if when and as they are finally solved; therefore be it

Resolved, That the House of Representatives congratulates the Honorable James R. Rooney on his natal day and wishes him many happy returns of the day.

PERMISSION TO ADDRESS HOUSE

Mr. WATKINS asked and obtained unanimous consent to address the House.

Mr. Speaker, I hesitate at this late moment to call your attention to a bill which I figure is a very important bill, which goes to make up a part that we have undone in the 1939 session, and which leaves the commissioners of the various counties throughout the Commonwealth holding what I might call the bag in the sale of property for taxes.

This bill was introduced on April 2nd and referred to the Committee on Municipal Corporations on April 7th. It was reported as committed May 12th, passed first and second reading, and with the understanding by myself as a member of that committee, I returned it to the Committee on Municipal Corporations on May 19th. I deem it highly important to let the Members of the House know just exactly what this bill means. Mr. Speaker, if I did not think this was an important bill, I would hesitate to bring it to your attention.

Section 1. This bill provides for the discharge of mortgages against real property when sold at county treasurers' tax sale, and also on property purchased at such sales and now in the possession of the county commissioners when they sell the same at public sale.

A procedure is set up by the bill which gives adequate notice to all interested parties, as follows:

Subsection (a). The purchaser at the tax sale must, before period of redemption expires, petition court giving facts concerning the sale, the mortgages charged against the property, and the names and addresses of the holders, etc. The court issues a rule on the mortgage holders to answer the petition. If he does answer, the court fixes a date for hearing. If he fails to answer, or if upon hearing he can show no legal objections to the proceedings, the court makes the rule absolute, and after the period of redemption expires a decree is entered discharging the lien of such mortgage and providing for the proper entry thereof on the mortgage record.

The notice of such proceedings is served on the mortgage holder who lives in the county, the same as writs of summons are served. If he lives in another county he is served by the sheriff of that county. If he lives out of the Commonwealth he may be served by registered letter, and by posting a notice of the proceedings on the property involved.

If property is redeemed any time during the redemption period, the proceedings are ended, and the person redeeming the same pays the costs involved in such proceedings.

Subsection (b). Property now in possession of the county commissioners must be sold at public sale (a) if the period of redemption has heretofore expired, within two years after this act is approved; (b) if the period has not yet expired, within one year after it does expire. At least six months before the sale, the county commissioners petition court in the same manner as above described and the same service of notice is provided for as in the other proceedings. If no legal objection is shown the court

orders the public sale of the property, to be held at least six months after the date of the petition, freed and discharged from the lien of the said mortgage.

Section 2. The bill requires the county commissioners to sell at public sale real property within one year (now six months) after the redemption period shall expire. Property now in their possession and for which the period of redemption has expired, must be sold within two years (now six months) after the approval of this act.

Section 3. The bill provides for the distribution to the various taxing authorities, of the proceeds of all treasurers' sales, sales by the county commissioners, and moneys received from redemptions. (This is badly needed as the present law does not have such provision).

If there is any balance remaining after the tax claims are paid, it goes to the payment of other claims against the property according to their priority.

Mr. Speaker, I especially would ask the majority of the House, my good friend, the gentleman from Westmoreland, Mr. Weiss, who is Chairman of the Municipal Corporations Committee, and my other good friend, Mr. Achterman, the floor-leader on that side of the House, to give this bill their honest consideration. I personally, being the sponsor of the bill, have not heard any objections to it, and I ask you in all fairness, because I think consideration is due it to give it your consideration and bring the bill back on the floor of the House and let us vote on it and pass it before we adjourn. Thank you very kindly.

RESOLUTION No. 107

Mr. TATE. Mr. Speaker, I call up at this time Resolution No. 107, Printer's No. 1110.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 23, 1941.

Whereas By virtue of Act No. 3 approved March 19th 1941 a State Council of Defense was established and

Whereas Under Section 4 of the aforesaid act the State Council of Defense was given the following powers

"(e) To supervise and direct investigations and report to the Governor with recommendations for legislation or other appropriate action as it may deem necessary with respect to the following matters in so far as they are or may be related to defense

* * * *

(6) Consumers and consumer protection" and

Whereas There has been an unjustifiable increase in the price of food stuffs and commodities to the consumers of the Commonwealth of Pennsylvania which is not predicated on any shortage of such food stuffs and commodities but rather appears to be based purely on motives of profiteering and

Whereas Immediate steps should be taken to stop such unjustifiable increases in the prices of food stuffs and commodities be it therefore

Resolved That the House of Representatives requests the State Council of Defense to immediately take such action commensurate with its powers to prevent any further increase in such food stuffs and commodities and be it further

Resolved That the State Council of Defense immediately notify the National authorities so that all possible steps shall be taken to protect the consumers of this Commonwealth from exploitation and be it further

Resolved That the Chief Clerk of the House of Representatives forward a copy of this resolution to the chairman of the State Council of Defense immediately upon its final adoption

On the question,
Will the House adopt the resolution?
It was adopted.

RECONSIDERATION OF HOUSE BILL No. 1639.

Mr. HARKINS. Mr. Speaker I move that the vote by which House Bill No. 1639, Printer's No. 1055, entitled

"An act to further amend the title and the act, approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws 736), entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' by making the schedules of compensation compulsory upon all employers,"

was defeated on final passage on June 25, 1941, be reconsidered

Mr. LEVY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Harkins, vote on the final passage of this bill?

Mr. HARKINS. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Levy, vote on the final passage of this bill?

Mr. LEVY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER declared the "ayes" appear to have it.

Whereupon, a division was called for, seventy-three Members voting in the affirmative and sixty in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. HARKINS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to

COMMITTEE MEETINGS

Counties, Tuesday, July 8 at 11:30 a. m. in Room 521 to consider Senate Bills Nos. 46 and 351 and House Bill No. 1833.

Judiciary General, Tuesday, July 8 at 11:30 a. m. in Room 246.

PUBLIC HEARING

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 1813 on Wednesday, July 9, 1941 at 11:00 A. M., E. S. T. in the New Caucus Room.

ADJOURNMENT

Mr. DIX. Mr. Speaker, I move that this House do now adjourn until Tuesday, July 8, 1941 at 12 m.

The motion was agreed to, and (at 11:15 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., TUESDAY, JULY 8, 1941.

No. 82.

SENATE

TUESDAY, July 8, 1941

The Senate met at 1:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, the prayer was offered by the Senator from Berks, Dr. RUTH.

Almighty God, our Heavenly Father, we thank Thee for the opportunity that Thou hast given us today to meet again to do the work for which the people of our state have delegated us. We pray that Thy spirit will guide us, that we may give the best that we have to this work, for Thou hast given the best to us. We ask it in Thy Holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. KEPHART and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL No. 171

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 171, entitled:

An Act to further amend subsection (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all the public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation re-

quired to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" further regulating refunds.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 263

He also returned to the Senate, Senate Bill No. 263, entitled:

An Act to establish a system uniform throughout the Commonwealth for the compensation of witnesses regulating the amount payment and taxation as costs thereof and repealing inconsistent legislation.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 401

He also returned to the Senate, Senate Bill No. 401, entitled:

An Act repealing and abandoning as a State highway, State highway route 15181 in Chester County; and providing for the reversion thereof to the township.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 459

He also returned to the Senate, Senate Bill No. 459, entitled:

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this Act.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 463

He also returned to the Senate, Senate Bill No. 463, entitled:

An Act to amend sections one and three of the act approved the tenth day of April one thousand nine hundred and twenty-nine (P. L. 478) entitled "Conferring authority on the Department of Highways or any county or township to enter upon private property adjacent to any public road or highway and place thereon snow fence between November first and April first of the succeeding year providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highway to the owner of ad-

jacent property and repealing certain acts" by including the Pennsylvania Turnpike Commission

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 465

He also returned to the Senate, Senate Bill No. 465, entitled:

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 484

He also returned to the Senate, Senate Bill No. 484, entitled:

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 508

He also returned to the Senate, Senate Bill No. 508, entitled:

An Act to amend section two thousand three hundred twenty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions shall be determined" by authorizing the State Council for the Blind to furnish certain aids and services to needy blind persons or persons with impaired vision for the purpose of restoring or improving their vision and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 806

He also returned to the Senate, Senate Bill No. 806, entitled:

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred eleven

(P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating sabbatical leaves for certain school employes.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 934

He also returned to the Senate, Senate Bill No. 934, entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 1040

He also returned to the Senate, Senate Bill No. 1040, entitled:

An Act to further amend section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provision and making an appropriation therefor' approved the eighth day of June Anno Domino one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domino one thousand nine hundred and nineteen towards its maintenance" giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged.

with the information that the House has passed the same without amendments.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 329, (Senate Bill No. 1318), entitled:

An Act to further amend definition of "Restaurant" in section two, and section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled as amended "Pennsylvania Liquor Control Act," eliminating some of the requirements heretofore imposed upon restaurant licensees, and giving certain political subdivisions the power to fix the hours when liquor and malt and brewed beverages may be lawfully sold within their boundaries.

Which was committed to the Committee on Law and Order.

House Bill No. 513, (Senate Bill No. 1319),

An Act to further amend section twelve of the act,

approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "School Employes Retirement Law," granting certain retirement rights to persons who have withdrawn from and returned to school service.

Which was committed to the Committee on Education.

House Bill No. 1014, (Senate Bill No. 1320), entitled:

To further amend clause eight of section one thousand two hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by changing the minimum salary of county superintendents.

Which was committed to the Committee on Education.

House Bill No. 1231, (Senate Bill No. 1321), entitled:

An Act to promote the general welfare and to protect the health, safety, morals and standards of living of the people of the Commonwealth of Pennsylvania by providing for the elimination of wage and hour standards detrimental to the health, safety, morals and standard of living of workers, to establish minimum wage and maximum hour standards; to prescribe the powers and duties of the Department of Labor and Industry under this act, and for other purposes.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1462, (Senate Bill No. 1322), entitled:

An Act to regulate the locating, drilling, casing, filling and abandoning of natural gas and petroleum wells on property underlaid with workable coal beds, having for its object the protection of life and property, by preventing intrusion of oil and gas therefrom into coal mines in territory containing workable coal beds and conferring powers and imposing duties upon the Department of Mines and providing penalties.

Which was committed to the Committee on mines and Mining.

House Bill No. 1857, (Senate Bill No. 1323), entitled:

An Act making an appropriation to the Department of Revenue for the payment of claims against the Commonwealth arising from damage by fire caused by defective wires used for operating airplane beacons.

Which was committed to the Committee on County Government.

House Bill No. 1878, (Senate Bill No. 1324), entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" as amended, by providing for the appointment of a deputy school treasurer, a deputy school controller and clerks to the school controller.

Which was committed to the Committee on Education.

SENATE BILL No. 24 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 24, entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof, and establishing penalties therefor.

with the information that the House has passed the same

with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill with amendments will be laid on the table.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 266, entitled:

An Act making an appropriation to The Glen Mills School, situate in Delaware County, Pennsylvania.

House Bill No. 301, entitled:

An Act making an appropriation to Sleighton Farm School for Girls, situate in Delaware County, Pennsylvania.

House Bill No. 348, entitled:

An Act making an appropriation to the Department of Welfare, to pay for the care, treatment, removal, and maintenance of the indigent insane in the Dixmont Hospital, at Dixmont, Allegheny County.

House Bill No. 371, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

House Bill No. 489, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

House Bill No. 550, entitled:

An Act to repeal the act, approved the twenty-eighth day of March, one thousand eight hundred and seventy-eight (P. L. 9), entitled "An act relative to the employment of females in hotels, taverns, saloons and eating houses, or other places for the sale of intoxicating and other drinks, and the penalty for the violation thereof."

House Bill No. 753, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Welfare to acquire certain land adjacent to, and for the use of the Scranton State Hospital; providing for the improvement and use thereof; and making an appropriation.

House Bill No. 1036, entitled:

An Act to amend subsection (b) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 429), entitled "Interstate Act of 1917," by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent, the natural parent shall retain his or her status as such, and shall, for purposes of inheritance and devolution, be regarded as an adopting parent.

House Bill No. 1092, entitled:

An Act making an appropriation for the expenses of the committee of the House of Representatives created by House Resolution Serial Number forty-nine, adopted the

nineteenth day of February, one thousand nine hundred forty-one.

House Bill No. 1177, entitled:

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," by allocating fees for inspection certificates for promotion of highway safety.

House Bill No. 1286, entitled:

An Act relative to employment of females in hotels, taverns, saloons and eating houses for the mixing or sale of alcoholic drinks, and the penalty for violation thereof.

House Bill No. 1470, entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools, and classes through public school districts, and in cooperation with employment offices for the training, retraining, instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

House Bill No. 1529, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 594) entitled "Rural State Highway Law," establishing additional routes to be used as a part of the national defense program in the County of Cambria.

House Bill No. 1542, entitled:

An Act to amend Route 55121, as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law," changing a route in the County of Somerset.

House Bill No. 1585, entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims taxes penalties interests and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

House Bill No. 1597, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law," establishing an additional route in the County of Lebanon.

House Bill No. 1631, entitled:

An Act authorizing and directing the Department of Highways to erect, construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum, Allegheny County, and a point in Westmoreland County, and to provide the necessary approaches and connections with State highways, providing for the acceptance of Federal aid, empowering counties to pay certain damages, and making an appropriation.

House Bill No. 1663, entitled:

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W. P. A. Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation.

House Bill No. 1665, entitled:

An Act to amend section six hundred five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code" by providing that said section shall not apply to certain games or devices where free plays are given or allowed; and providing that such free plays shall not be considered things of value.

House Bill No. 1704, entitled:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation

House Bill No. 1719, entitled:

An Act to add clause (k) to section two thousand one hundred two, and to repeal clause (d) of section two thousand one hundred ten of the act, approved the ninth day of April, one thousand nine hundred twenty-nine, (P. L. 177) entitled "Administrative Code of 1929," transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health, to conform with the provisions of the Public Utility Law.

House Bill No. 1720, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

House Bill No. 1721, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire a certain tract of land for the use of Pennsylvania Industrial School and making an appropriation therefor

House Bill No. 1738, entitled:

An Act to amend Route 22045 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law."

House Bill No. 1739, entitled:

An Act to amend Route 38043 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law."

House Bill No. 1765, entitled:

An Act regulating and abandoning as a State highway State highway Routes 03123 and 03133 in Armstrong County and providing for the reversion thereof to the townships.

House Bill No. 1798, entitled:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second Class A.

House Bill No. 1802, entitled:

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons, who served in the military or naval service during any War in which the United States was engaged.

House Bill No. 1825, entitled:

An Act establishing a certain section of public road as a State highway; and providing for its construction and maintenance at the expense of the Commonwealth.

House Bill No. 1826, entitled:

An Act to amend part of section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "City State Highway Law," changing a certain route in the City of Johnstown.

House Bill No. 1827, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters, and for the landscaping thereof.

House Bill No. 1837, entitled:

An Act to further amend clauses (6) and (7) of section two and section nine hundred and eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "Public Utility Law," changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle"; and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

Senate Bill No. 597, entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

SENATE BILL No. 24 RETURNED FROM THE HOUSE WITH AMENDMENTS CALLED UP FROM THE TABLE

Mr. WALKER. Mr. President, I now call up Senate Bill No. 24, which was returned by the House with amendments, and laid on the table.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

SENATE NON-CONCURS IN AMENDMENTS BY THE HOUSE TO SENATE BILL No. 24

Mr. WALKER. Mr. President, I move, that the Senate do non-concur in the amendments made by the House to Senate Bill No. 24, entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof, and establishing penalties therefor.

Mr. GELTZ. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. THOMAS B. WILSON. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from McKean will state his question of parliamentary inquiry.

Mr. THOMAS B. WILSON. Mr. President, on what page of the Calendar does the bill appear?

The PRESIDENT. This bill is not on the Calendar at all. It just came over from the House, was laid on the table temporarily, and taken from the table at the request of the Senator from Allegheny, Mr. Walker, who now moves that the Senate non-concur.

Mr. WALKER. Mr. President, I might explain to the gentleman from McKean that this is the so-called unfair sales bill, which was amended several times in the Senate, sent over to the House, and the House has stricken out most of the Senate amendments, and some taken out by the House were amendments placed in by the Senate in order to avoid various controversial subjects.

Mr. President, I might say to my colleagues I think the bill is bound for a conference committee, and I would like to get it on its way, because we have hopes we are going to adjourn this week, and I therefore would like to have it started on its way.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Bartlett,	Edmonds,	Mallery,	Wade,
Becker,	Farrell,	Miller,	Walker,
Carr,	Geltz,	Snowden,	Watkins,
Chapman,	Heyburn,	Stevenson,	Wilson, H. I.,
Orider,	Homsher,	Taylor,	Wilson, T. B.,
Crowe,	Kephart,	Thomas,	Woodward,
Deltrick,	Letzler,	Tyler,	Ziesenheim,
Ealy,			

NAYS—16

Barr,	Dent,	Jaspan,	McQuiddy,
Cavalcante,	DiSilvestro,	Lanius,	Mundy,
Coleman,	Frey,	McCreesh,	Ruth,
Cox,	Haluska,	McGinnis,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 418

Mr. WADE. Mr. President, I am directed by the Committee of Conference to make a report on Senate Bill No. 418, entitled:

An Act requiring the Governor of the Commonwealth to issue a proclamation setting apart September thirteenth of this year as Commodore John Barry Day

The PRESIDENT. The Report will be noted on tomorrow's Calendar.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 440, (House Bill No. 251), entitled:

An Act to amend section eleven of the act approved the first day of July one thousand nine hundred and thirty-

seven (P. L. 2532) entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof" by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employe or any other party in interest against the fund.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	McGinnis,	Tyler,
Cavalcante,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Walker,
Coleman,	Haluska,	Mundy,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson H. I.,
Crider,	Homsher,	Shapiro,	Wilson, T. E.,
Crowe,	Jaspan,	Snowden,	Woodward,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,
Dent,	Lanlus,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 501, (House Bill No. 710), on final passage, entitled:

An Act to enable tax collectors and receivers of taxes to make return to the county commissioners of unpaid taxes assessed on seated lands for certain years; and validating the liens of such taxes

go over in its order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I should like the Majority Floor Leader to explain or state whether or not Senate Bill No. 500 on the Calendar is to be passed, because these two bills seem to me to deal with the same subject, except that Senate Bill No. 501, which is now before us for action, deals with counties and the other deals with the whole state. Senate Bills No. 500 and No. 501 deal with the same subject matter and allow tax collectors to sue and collect for taxes of prior years. Senate Bill No. 501 restricts it to three particular years back of 1943. Senate Bill No. 500 is a broad authority to every tax collector in every part of the state and it does not restrict. Mr. President, the two bills are quite inconsistent. We are now talking about Senate Bill No. 501, which is before us at this time.

Mr. GELTZ. Mr. President, I do not think I understand the question, if I was asked a question, and I would ask that it be repeated.

Mr. SHAPIRO. Mr. President, the question is Senate Bill No. 501, which we are now acting on, deals, as I read it, with the same subject matter as Senate Bill No. 500, which is on page 2 of the Calendar. They both give the right to collect back taxes; the first one restricts it to three years back of 1942. The other one, Senate Bill No. 500 is a broad power and does not restrict it, and that bill gives tax collectors the right to collect taxes back for twenty-five years if they want to.

Mr. GELTZ. Mr. President, I understand the one bill refers to tax warrants and the other refers to unpaid taxes which was confined by an amendment. I believe yesterday, to just three years. I do not believe these bills are inconsistent, but I will say I am not a tax expert, and it may be that somebody else here is in better position to answer that question than I am. I do not believe however they are inconsistent.

Mr. SHAPIRO. I do not really know, Mr. President. The reason I asked the question is that I am not familiar with the counties, institutions and small districts to know whether there is any real difference between a warrant and the tax referred to in these bills.

Mr. EALY. Mr. President, as I understand Senate Bill No. 501, (House Bill No. 710), it extends the warrants of collectors which would have or did expire in the last two or three years; I think it extends the warrants of collectors 1938, 1939 and 1940. Senate Bill No. 500, (House Bill No. 708), allows tax collectors to make returns for those years in which they had failed to make returns.

Mr. SHAPIRO. Mr. President, since the gentleman from Somerset has undertaken to answer, I would like to call his attention to page 2 of Senate Bill No. 500 line 2: "tax collectors have heretofore expired or will expire during" subsequent years and Senate Bill No. 500, Section 1, reads: "In all cases in which the period of limitation of the warrants of the duplicates of the county, poor institution, districts, road, city, township, ward, school and borough tax collectors have heretofore expired or will expire during the years 1941 and 1942." In other words, Senate Bill No. 500 goes all the way back where Senate Bill No. 501 only covers three years.

Mr. EALY. Mr. President, one is returns; the other is warrants.

Mr. SHAPIRO. Does it make any difference? If the gentlemen on the other side know what it is, it is all right with me.

Mr. GELTZ. Mr. President, I notice that both Senate Bill No. 501 and Senate Bill No. 500 are House bills, and therefore I do not see that it would do any harm to have both of those bills go over in order for further study.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 288, (House Bill No. 183), as follows:

An Act to amend section seven hundred two and to

further amend section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the establishment and maintenance of fire hydrants and fire hydrant water service and the levy of a special tax therefor with the assent of electors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended by adding at the end thereof a new clause to read as follows

Section 702 Supervisors to Exercise Powers The corporate powers of townships of the second class shall be exercised by the township supervisors They shall have power * * * *

XXII Fire Hydrants and Water Supply Special Tax With the consent of two-thirds of the electors of the township voting thereon as hereinafter provided to enter into contract with water companies for the placing of fire hydrants and for the maintenance of adequate water pressure for fire purposes and to levy an annual tax not exceeding one mill for the purpose of defraying the expense thereof

Whenever twenty-five or more duly qualified electors of the township shall petition the supervisors for the establishment and maintenance of fire hydrants and fire hydrant water service and the levy of a tax not exceeding one mill to defray the expense thereof and for a referendum thereon the supervisors shall if they approve thereof cause a question to be submitted at the next municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission on the ballot or on voting machines in the manner provided by the election laws of this Commonwealth If two-thirds or more of the persons voting on such question in the township shall vote "Yes" then the supervisors shall have power to enter into contract and levy an annual tax as aforesaid Provided That no such question shall be submitted at any election unless the resolution of the board of supervisors authorizing the same shall be published once in a newspaper of general circulation published in the county in which the township is situated If within thirty (30) days after date of publication taxpayers of the township whose property valuation as assessed for taxable purposes within the township shall amount to thirty-five per centum (35%) of the total property valuation as assessed for taxable purposes within the township shall sign and file with the chairman of the board of supervisors a written protest against submitting such question at any election then the board of supervisors shall not certify any resolution to the county commissioners as provided in this clause

Section 2 Section nine hundred five of said act as amended in part by section one of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1299) is hereby further amended to read as follows

Section 905 General and Special Tax Levies The board of township supervisors may by resolution levy taxes upon all property and upon all occupations or upon property alone within the township made taxable for township purposes as ascertained by the last adjusted valuation for county purposes for the purposes and at the rate hereinafter specified to wit

One An annual road tax for road bridge and general township purposes not later than the fourth Monday of March of each year not exceeding seven mills except where necessary to pay existing indebtedness and interest thereon in which case two additional mills may be levied Where the board of supervisors by a majority action shall upon due cause shown petition the court of quarter sessions for the right to levy additional millage the court after such public notice as it may direct and after hearing may order a greater rate than nine mills but not exceeding seven additional mills to be levied Such annual

road tax shall include all levies for road purposes and for the payment of bonds and certificates of indebtedness issued and all other debts incurred for road purposes Not less than ten per centum of the annual road tax shall be set aside by the respective townships and used for the payment of existing indebtedness incurred for road purposes for the payment of which indebtedness no provision has been made All road tax shall be collected in cash

Two A tax for the purpose of building and maintaining a lockup after obtaining the assent of the electors of the township in the manner provided in this act

Three Upon the receipt of a petition of a majority of the owners of real estate of the township requesting it an annual tax not exceeding five mills for the purpose of lighting the streets and highways in the manner provided by the general powers of this act and of defraying the cost charges and expenses thereof

Four An annual tax so long as necessary not exceeding fifty per centum of the rate of assessment for road purposes for the purpose of procuring a lot and erecting a building thereon for a townhouse and for the payment of indebtedness incurred in connection therewith Provided The total indebtedness for the payment of which any such tax shall be levied shall not exceed one-half of one per centum of the assessed value of real estate in the township

Five A tax not exceeding two mills and not exceeding the amounts hereinafter limited for the purpose of purchasing and maintaining fire apparatus and to provide with the assent of the electors of the township as hereinafter provided a suitable place for the housing of the same and to make appropriations to fire companies for the purchase and maintenance of fire apparatus but the total expenditure for the purchase of fire apparatus by the township together with the amount of appropriation to one or more fire companies from such taxes shall not for the first fiscal year exceed in all the sum of seven thousand five hundred dollars nor shall any new fire apparatus be thereafter purchased by the township or by any fire company from appropriations made by the township without the consent of the electors as hereinafter provided nor shall the total expenditure by the township in any fiscal year for the purpose of maintenance and operation together with the appropriations to any one or more fire companies exceed forty-five hundred dollars

Six A tax not exceeding one mill for the purpose of establishing and maintaining fire hydrants and fire hydrant water service after obtaining the assent of two-thirds of the electors of the township voting thereon in the manner provided in this act

Whenever the assent of the electors is required as hereinbefore provided the same shall be expressed at an election to be held at the place time and under the same regulations as provided by law for the holding of municipal elections At such election the election officers shall receive ballots from the electors which shall be prepared in the manner prescribed by the general election law in receiving and counting and in making return of the votes cast the election officers shall be governed by the laws regulating municipal elections and the returns shall be computed by the court as now provided by law for municipal elections

The taxes authorized to be levied by this section shall be levied upon the last adjusted valuation for county purposes which valuation shall be furnished to the township supervisors by the county commissioners If any further adjustment of valuation is made by the county commissioners after any tax is so levied and before said tax is payable such adjusted valuation shall be certified to the township supervisors and to the township collector of taxes by the commissioners and the tax shall be collected on the basis of such adjusted valuation

This article does not include the levy of any taxes upon particular districts or parts of any township for particular purposes

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barr,	Farrell,	Mallery,	Stevenson,
Bartlett,	Frey,	McCreesh,	Stiefel,
Cavalcante,	Geltz,	McGinnis,	Taylor,
Coleman,	Haluska,	McQuiddy,	Tyler,
Cox,	Homscher,	Miller,	Walker,
Crowe,	Jaspan,	Mundy,	Wilson, H. I.,
Detrick,	Kephart,	Reed,	Wilson, T. B.,
Dent,	Lanius,	Ruth,	Woodward,
DiSilvestro,	Letzler,	Shapiro,	Ziesenheim,

NAYS—11

Becker,	Crider,	Heyburn,	Wade,
Carr,	Ealy,	Snowden,	Watkins,
Chapman,	Edmonds,	Thomas,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

REQUEST TO POSTPONE BILL

Mr. COLEMAN. Mr. President, I request that further consideration of Senate Bill No. 468, (House Bill No. 70), on third reading, entitled:

An Act to amend section seven hundred three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing for the compensation paid to township commissioners

be postponed for the present.

Mr. GELTZ. Mr. President, I object.

BILLS OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 468, (House Bill No. 70), on third reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 500, (House Bill No. 708), on third reading, entitled:

An Act enabling city county poor institution district ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants or by the expiration of their terms of office extending the time for the collection of the same for a period of two years from the passage of this act and validating collections and proceedings for collections made or commenced without previous authority

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 606, (House Bill No. 434), as follows:

An Act making an appropriation to the Pennsylvania Department of Highways for the improvement of roads and parking areas within the Daniel Boone Homestead

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven thousand dollars (\$7,000) or so much thereof as may be necessary is hereby appropriated out of the General Fund to the Department of Highways of the Commonwealth of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the payment of salaries wages materials and other incidentals for the construction and improvement of roads and parking areas within the Daniel Boone Homestead now owned by the Commonwealth of Pennsylvania and supervised by the Pennsylvania Historical Commission and for other incidental and contingent expenses

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homscher,	Ruth,	Watkins,
Crider,	Jaspan,	Scarlett,	Wilson, H. I.,
Crowe,	Kephart,	Shapiro,	Wilson, T. B.,
Detrick,	Lanius,	Snowden,	Woodward,
Dent,	Letzler,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 700, (House Bill No. 99), entitled:

An Act to amend sections one and two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting certain clubs from such limitation and by providing that retail dispenser's licenses may be exchanged or surrendered for liquor licenses without violating the limits upon the number of licenses imposed by such act; an

authorizing the Pennsylvania Liquor Control Board to effect such exchange or substitution upon compliance with certain conditions.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. BECKER. Mr. President, I ask unanimous consent to amend the title, page 1, line 11, by striking out before the word "licenses" the part word [penser's] and inserting in lieu thereof the part word: "pensers"; amend section 2, page 4, line 24, by striking out after the word "act" and before the word "clubs" in boldface brackets the word [and]; amend section 2, page 5, line 9, by inserting after the word "place" and before the word "restaurant" the word: "or"; amend section 2, page 5, line 9, by striking out after the word "restaurant" and before the part word "hold-" the words [or club].

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 851, (House Bill No. 1442), as follows:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four hundred thousand dollars (\$400,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Commerce out of the Motor License Fund for the two fiscal years beginning June first one thousand nine hundred forty-one for the proper conduct of the work of the department in advertising publicizing and otherwise promoting the tourist travel facilities advantages and attractions of the Commonwealth or any political subdivision thereof in the manner provided in the Commerce Law the sum appropriated by this act shall from time to time be transferred from the Motor License Fund to the General Fund in such amounts as the Secretary of Commerce with the approval of the Governor shall direct and shall be used in continuing the functions formerly exercised by the Pennsylvania State Publicity Commission The sums so transferred shall be credited to the current appropriation made to the Department of Commerce out of the General Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—43

Bartlett, Ealy, Mallory, Tallman,

Becker,
Carr,
Cavalcante,
Chapman,
Crider,
Crowe,
Deitrick,
Dent,
DiSilvestro,

Edmonds,
Farrell,
Geltz,
Haluska,
Heyburn,
Homsher,
Jaspan,
Kephart,
Lanius,
Letzler,

McCreesh,
McGinnis,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Scarlett,
Snowden,
Stevenson,

Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—6

Barr,
Coleman,

Cox,
Frey,

Shapiro,

Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 966, (House Bill No. 955), on third reading, entitled:

An Act to amend section ninety-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating use of gill-nets in boundary lakes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1036, (House Bill No. 1526), as follows:

An Act to amend section two hundred seven of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" further prescribing method by which second class townships may be classified as first class townships and providing for the costs and holding of special elections for that purpose

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred seven of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 207 Submission of Question to Voters At the first general or municipal election occurring or at a special election held at least ninety days after the ascertainment by special enrollment or from the United States census including the United States census of one thousand nine hundred and thirty and each subsequent census that any township of the second class has a population of at least three hundred inhabitants to the square mile and after the filing of a petition signed by at least ten per centum of the registered voters of the township has been filed in the quarter sessions court the question whether such township of the second class shall become a township of the first class shall be sub-

mitted to the voters of the township and the county commissioners shall cause to be printed on separated ballots to be used in such township at such election a proper question framed in accordance with the election laws of the Commonwealth. A special election for such purpose shall be held on a day to be fixed by the court of quarter sessions of the county upon petition signed by at least five per centum of the registered voters of the township. The costs and expenses of such a special election shall be paid by the petitioners as the court may direct.

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	Jaspan,	Scarlett,	Wilson, H. I.,
Crowe,	Kephart,	Shapiro,	Wilson, T. B.,
Deitrick,	Lantus,	Snowden,	Woodward,
Dent,	Letzler,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1043, (House Bill No. 571), on third reading, entitled:

An Act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMENDED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1086, on third reading, entitled:

An Act relating to elective public offices, the incumbents of which are required by act of Congress to enter military or naval service providing that such offices shall not be considered vacant or the incumbents thereof disqualified by reason of such call to military or naval service; making provisions for certain deputies, assistants or substi-

tutes to perform the functions of such office during the period of such military or naval service or until the terms of office have ended; prescribing the qualifications, powers, duties, liabilities and compensation of such deputies, assistants or substitutes; and defining the extent and effect of said act upon the various incidents of such office including incompatibility, vacancy, compensation, term misconduct, removal and holding over.

be recommitted to the Committee on Judiciary General.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL POSTPONED

Mr. COLEMAN. Mr. President, I move that further consideration of Senate Bill No. 1109, (House Bill No. 957), on third reading, entitled:

An Act to amend the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employees' retirement system in counties of the third class and imposing certain charges on counties" extending and further regulating such retirement systems

be postponed for the present.

Mr. COX. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1112, (House Bill No. 1572), as follows:

An Act to amend the act approved the second day of March one thousand nine hundred thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended by extending enlarging and removing the limitations upon the class of those who may become chattel mortgagees by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages the extension of the liens and defaults of said mortgages and by defining violations and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the second day of March one thousand nine hundred thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended by the act approved the eighteenth day of April one thousand nine hundred thirty-five (P. L. 38) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and is hereby enacted by the authority of the same That any person association partnership or corporation may enter into an agreement [with and borrow funds from a production credit association

organized under the Farm Credit Act of one thousand nine hundred and thirty-three a Regional Agricultural Credit Corporation the Reconstruction Finance Corporation or the Government of the United States or any department agency or officer thereof a Federal Intermediate Credit Bank or any institution which has made arrangements to discount therewith and to procure funds therefrom on the security of the obligations of the borrower and for the repayment of any funds [so] borrowed or of any then existing indebtedness [to any such institution may be] evidenced by a bond containing a confession of judgment secured by a chattel mortgage upon livestock farm machinery or farm equipment or upon any crop of crops annual or perennial including fruit crops grown or growing either already planted or to be planted and maturing within one year from the date of the execution of such mortgage and any cooperative association of farmers acting together in collectively processing preparing for market handling or marketing the farm products of persons so engaged or in which farmers act together in collectively purchasing testing grading or processing their farm supplies [Provided] provided however that such associations are operated for the mutual benefit of the members thereof as such producers and purchasers may enter into an agreement [with and borrow funds from any bank for cooperatives organized under said Farm Credit Act of one thousand nine hundred and thirty-three or from any Federal Intermediate Credit Bank organized under said Agricultural Credits Act of one thousand nine hundred and twenty-three and] for the repayment of any funds borrowed or of any then existing indebtedness [to any such institution may be] evidenced by a bond containing a confession of judgment secured by a chattel mortgage upon any chattels of any kind or description including fixtures owned by such association or upon any interest which such association may have in any such chattels or fixtures No such agreement for the repayment of any funds borrowed or for the repayment of any then existing indebtedness as aforesaid shall bear interest in excess of the rate provided for by the Act approved the twenty-eighth day of May one thousand eight hundred fifty-eight (P. L. 622) For the purposes of this act all such chattels crops and fixtures shall be deemed to be personal property and mortgagable as such Such mortgage shall be a lien against the chattels and crops thereby conveyed and shall be good and available in law against any subsequent purchasers or execution creditors upon the recording thereof as hereinafter directed The lien of any mortgage on crops executed in pursuance of the provisions of this act shall be superior to any mortgages or judgments or any other liens or encumbrances upon the land upon which any such crop has been so seeded or may be growing and any sale made under any mortgage or judgment or other lien or encumbrance upon such land before such crop has been served shall be made subject to the lien on said crop as provided for in this act provided however that the provisions of this act shall not in any manner whatever affect any mortgage judgment or other lien or encumbrance upon the land recorded prior to the approval of this act Such mortgages must be in writing signed by the mortgagor or his agent duly authorized and constituted and duly acknowledged by some person authorized to take acknowledgment of deeds No chattel mortgage of livestock and hay grain or any other feed stuffs shall be invalid because provision is contained therein that the mortgagor may use and consume such feed stuffs in preserving and preparing for market the livestock covered thereby Provisions contained in such chattel mortgages that property of the same class as is covered by the chattel mortgage shall be included in the mortgage lien if acquired by the mortgagor subsequent to the execution of the chattel mortgage and prior to its extinguishment and provisions] Any mortgage executed under and pursuant to this act may validly include replacements of any of the mortgaged property therein described and may validly include all increase issue progeny and produce of animals and live stock of all kinds and the issue increase progeny and produce of any and all property mortgage-

able under the terms and provisions of this act including the increase issue progeny and produce of any original increase issue or progeny A mortgage of sheep or goats shall be held to include the wool or mohair which may be clipped therefrom Provisions that the chattel mortgage may secure future advances to be made by the mortgagee at [its] his option within a period of three years from the execution of such chattel mortgage but not to exceed in the aggregate an amount stated in said chattel mortgage and that all advances so made shall be secured by such chattel mortgage equally and to the same extent as the amount originally advanced on the security of such mortgage and that all such future advances shall be a lien upon the property therein described from the time of the recording of such chattel mortgage good and valid against and superior to all rights of subsequent creditors purchasers mortgagees and other lienors and encumbrances and any of them [and provisions that the chattel mortgage may include replacements of any of the mortgaged property therein described and 'all increase of animals and livestock of all kinds] shall be valid and binding

Section 2 The chattel mortgages mentioned in the preceding section when executed and acknowledged as hereinbefore provided shall be recorded in the office for the recording of deeds for the county where the mortgagor if a resident of the Commonwealth of Pennsylvania resides at the time of execution of such chattel mortgage or if the mortgagor is not a resident of the Commonwealth of Pennsylvania in the office for the recording of deeds for the county in which said livestock farm machinery equipment or crop is actually located at the time of the execution of such chattel mortgages and such recorder is hereby required to index and record the same at length in a book to be by him kept in his said office to be provided at the expense of said county and to be called "Chattel Mortgage Book" and he shall duly certify the record of all such instruments in the manner provided by law for mortgages on real estate and such recorder shall be entitled to charge and receive for services rendered hereunder [the following fees for recording each chattel mortgage seventy-five cents (75c) for noting assignment on the margin of the page on which the chattel mortgage is recorded twenty-five cents (25c) for noting release or satisfaction or extension of each such chattel mortgage and the date thereof on the margin of the page of the book where the chattel mortgage is recorded twenty-five cents (25c)] such fees as are provided by law for services rendered with respect to mortgages on real estate Such chattel mortgages shall except between parties thereto take effect and be valid only from the time of recording as herein provided and in case of more than one chattel mortgage the first recorded shall have preference and be first paid out of the proceeds of the sale of the property mortgaged Such mortgage shall remain a lien on the property mortgaged as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five years unless the lien thereof is extended [for an additional period of five years] by the filing prior to the expiration of said lien with the recorder of deeds of the affidavit of the mortgagee or his successor in interest stating the amount then secured by the lien in which case the said mortgage shall remain a lien for an additional period of five (5) years from the date of the filing of such affidavit The lien of any mortgage may be further extended with like effect by the filing of successive like affidavits A notation of the filing of such affidavit and extension of lien shall be made on the margin of the original record of the chattel mortgage in the office of the recorder of deeds

Section 2 That the said act is hereby further amended by adding after section 5 the following new section

Section 5.1 If the mortgagor without the consent of the mortgagee shall substantially injure the chattel or chattels subject to the mortgage or conceal or purport to sell or otherwise dispose of them or any substantial part of them under claim of full ownership or otherwise by his wilful act or wilful neglect substantially impair the value of the agreed security save insofar as is consistent with reasonable use of the chattel or chattels such action

shall constitute default But unless otherwise provided in the instrument the injury or destruction of the chattel or chattels without fault of the mortgagor shall not constitute default and such injury or destruction occurring before final sale on foreclosure shall not discharge the mortgagor from any obligation secured for which he is personally liable

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	Jaspan,	Scarlett,	Wilson, H. I.,
Crowe,	Kephart,	Shapiro,	Wilson, T. B.,
Deitrick,	Lanlus,	Snowden,	Woodward,
Dent,	Letzler,	Stevenson,	Ziesenheim,

NAYS—1

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1135, (House Bill No. 223), as follows:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township Lancaster County or so much thereof as may be necessary as a memorial providing for the control management supervision improvement restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of perpetuating the memory of Robert Fulton native son of Pennsylvania one of the world's greatest engineers and inventors a pioneer in the development of steam navigation and builder of the first steam war vessel for the United States the Department of Property and Supplies with the approval of the Pennsylvania Historical Commission is hereby authorized to acquire by purchase condemnation or gift on behalf of the Commonwealth of Pennsylvania one hundred and twenty-seven acres of land in Fulton Township Lancaster County upon which is still standing the birthplace of Robert Fulton or so much thereof as may be necessary and provide for the restoration thereof

Section 2 The Pennsylvania Historical Commission after the said property has been acquired shall make and en-

force rules and regulations for the preservation visitation and maintenance thereof so that the property can be used as a recreational and educational center by the people of the Commonwealth

Section 3 The sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the acquisition and restoration of the site upon which the birthplace of Robert Fulton still stands together with adjacent farm lands of the Fulton family in Fulton Township Lancaster County Pennsylvania Payment from said appropriation shall be made by requisition of the Secretary of the Department of Property and Supplies in the manner provided by law

Section 4 The sum of three thousand dollars (\$3,000) or so much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania Historical Commission for the management supervision repair and maintenance of the property acquired and restored under the provisions of this act Payment from said appropriations should be made upon requisition of the Pennsylvania Historical Commission in the manner provided by law

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	Jaspan,	Scarlett,	Wilson, H. I.,
Crowe,	Kephart,	Shapiro,	Wilson, T. B.,
Deitrick,	Lanlus,	Snowden,	Woodward,
Dent,	Letzler,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1174, as follows:

An Act to amend the act approved the twentieth day of May one thousand nine hundred and thirty-seven (P. L. 728) entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such board defining the powers of the board and fixing the compensation of members and employees thereof providing that the awards of such board shall be final providing for the payment of awards and authorizing an appropriation" as amended by providing for the payment of fees and expenses of the members of said board not properly chargeable as costs of proceedings before it further prescribing procedure and further defining the jurisdiction of said board

The General Assembly of the Commonwealth of Pennsylvania hereby effects as follows

Section 1 Section one of the act approved the twentieth day of May one thousand nine hundred thirty-seven

(P. L. 728) entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such board defining the powers of the board and fixing the compensation of members and employes thereof providing that the awards of such board shall be final providing for the payment of awards and authorizing an appropriation" as amended by the act approved the twenty-sixth day of June one thousand nine hundred thirty-nine (P. L. 1081) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a departmental administrative board in the Department of the Auditor General known as the Board of Arbitration of Claims which shall have exclusive jurisdiction over and the duty of which shall be to arbitrate claims against the Commonwealth and all administrative departments boards commissions agencies and instrumentalities thereof arising from contracts entered into by the Commonwealth or any administrative departments boards commissions agencies or instrumentalities thereof Such board shall consist of three members appointed by the Governor one of whom shall be learned in the law and shall be chairman of the board another of whom shall be a registered civil engineer The third member of the board shall be a citizen and resident of the Commonwealth not learned in the law or an engineer Two members of the board shall constitute a quorum The members shall be appointed for terms of two four and six years and shall serve until their respective successors shall be duly appointed and qualified Their successors shall each be appointed for a term of six years In the event any member shall die or resign during his term of office the Governor shall appoint a successor who shall hold office for such unexpired term Each member of the board shall receive thirty-five dollars per diem for each day of eight hours actually employed in his duty as a member of the board and in proportion for part day service and shall also be entitled to expenses while engaged in the performance of his official duties which compensation and expenses shall be deemed costs of the proceedings hereunder except when such compensation and expenses are not properly chargeable against a particular case or cases in which event such compensation and expenses shall be deemed expenses of the administration of this act

Section 2 Section four of the said act is hereby amended to read as follows

Section 4 (a) The Board of Arbitration shall have exclusive jurisdiction to hear and determine all claims against the Commonwealth and all administrative departments boards commissions agencies and instrumentalities thereof arising from contracts hereafter entered into with the Commonwealth or any administrative departments boards commissions agencies or instrumentalities thereof where the amount in controversy amounts to \$300.00 or more (b) such jurisdiction shall also attach in cases arising from contracts heretofore entered into where the claims as herein provided are presented before final payment under such contracts and where the parties in such contracts heretofore entered into agree to submit the claim to the board under the terms of this act

The award of the Board of Arbitration shall be final and no appeal from such award to any court shall be allowed

Section 3 Section six of the said act as amended by the act approved the twenty-sixth day of June one thousand nine hundred thirty-nine (P. L. 1081) is hereby further amended to read as follows

Section 6 No claim shall be entertained by the board unless the claimant shall within three months after notice to the claimant of determination by the Commonwealth or the administrative department board commission agency or instrumentality of the Commonwealth involved of the amount of final payment due said claimant under the contract and before final payment is received on said

contract except as provided by section four (b) hereof advise the administrative department board commission agency or instrumentality involved in writing of such claim specifying the details thereof and shall within the same period file with the secretary of the board a concise and specific written statement of this claim signed and verified by the claimant before an officer authorized to administer oaths

The claimant at the time of filing such statement shall file therewith two copies of said statement and the secretary of the board shall forthwith deliver one copy to the [secretary] head of the administrative department board commission agency or instrumentality involved and the other to the Attorney General

At the time of filing his statement of claim the claimant shall pay to the State Treasury through the secretary of the board the sum of \$50.00 as a filing fee All fees so received shall be credited to the General Fund

Within thirty days after such statement shall be filed with the secretary of the board and served upon the [secretary] head of the administrative department board commission agency or instrumentality of the Commonwealth involved and the Attorney General the administrative department board commission agency or instrumentality of the Commonwealth involved shall file with the secretary of the board an answer in writing to the averments of the claimant's statement which shall be signed and verified by the [secretary] head of the administrative department board commission agency or instrumentality of the Commonwealth involved and shall at the same time file two copies of the same one of which shall be served by the secretary on the Attorney General and the other forwarded to the claimant

When the answer of the Commonwealth is filed the pleadings shall be complete and the case shall be deemed to be at issue and the secretary of the board shall list such case for hearing before the board at the earliest available date but not earlier than thirty (30) days after the filing of such answer

All cases shall as far as practicable be listed for hearing in the order of the date of filing of the respective claims and the secretary shall cause to be served upon all claimants by registered mail thirty (30) days' written notice which notice shall set forth the time and place of such hearing

Section 4 Section seven of the said act is hereby amended to read as follows

Section 7 The secretary of the board shall have the power to issue subpoenas at the request of either the Commonwealth or the claimant and to require the attendance of witnesses and the production of books documents and papers pertinent to any cause before the board

All subpoenas so issued shall be in such form as shall be prescribed by the board and shall be signed by the secretary or such person as may be designated by the secretary and may be served by any adult in any part of the Commonwealth

Any person who refuses to obey such subpoena or who refuses to be sworn to testify or who fails to produce any papers books or documents touching upon the case in which he is subpoenaed or who is guilty of any contempt after summoned to appear may be punished for contempt of court and for this purpose an application may be made to the court of common pleas of Dauphin County for which purpose such court is hereby given jurisdiction Each witness so required to attend shall receive for each day's attendance [the sum of two dollars (\$2.00) and in addition thereto three cents (3c) for each mile circular travelled by the usual route from his home to the place where his presence is required] the same fees and mileage as are allowed witnesses in the several courts of the Commonwealth which witness fees and expenses shall be divided between the Commonwealth and the claimant in such proportion as the board may direct

Section 5 Section nine of the said act as amended by the act approved the twenty-sixth day of June one thousand nine hundred thirty-nine (P. L. 1081) is hereby further amended to read as follows

Section 9 Within thirty (30) days after any final action is taken by the board the secretary of the board shall certify to the [secretary] head of the administrative department board commission agency or instrumentality of the Commonwealth involved under the seal of the board a statement of such action including the amount of costs assessed against the Commonwealth or the claimant or both and the persons entitled thereto The amount of any award shall be paid by said administrative department board commission agency or instrumentality of the Commonwealth out of any funds appropriated against the contract out of which the claim upon which the award is based was originally charged to the claimant and any costs assessed against the Commonwealth shall be paid by said administrative department board commission agency or instrumentality out of said fund or appropriation to such persons as may be entitled thereto as evidenced by said certificate of the secretary of the board in the manner now provided by law In the event that costs are assessed against the claimant the amount of such costs shall be deducted from whatever balance may be due the claimant upon the contract out of which the claim arose and shall be paid by the administrative department board commission agency or instrumentality of the Commonwealth involved to the persons entitled thereto as evidenced by the said certificate

Section 6 After Section 10 of said act the following new sections are hereby added to read as follows

Section 11 This act is meant and intended to supply an exclusive remedy for the determination of all claims against the Commonwealth of the kind and nature hereinbefore set forth and to grant to the said board exclusive jurisdiction over such claims All other claims against the Commonwealth shall be determined in accordance with the provisions of the act approved the thirtieth day of March one thousand eight hundred and eleven (P. L. 145) and the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343)

Section 12 All acts or parts of acts inconsistent herewith are hereby repealed

Section 13 This act shall be known and may be cited as "The State Arbitration Act"

Section 7 Section 11 of said act is hereby amended to read as follows

Section [11] 14 This act shall become effective immediately upon its approval by the Governor

Section 8 This amendatory act shall become effective on the first day of June one thousand nine hundred forty-one

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	Jaspan,	Scarlett,	Wilson, H. I.,
Crowe,	Kephart,	Shapiro,	Willson, T. B.,
Detrick,	Lanius,	Snowden,	Woodward,
Dent,	Letzler,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1199, (House Bill No. 1420), on third reading, entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon personal property held and managed in this Commonwealth owned held or possessed by residents as trustees agents or attorneys-in-fact jointly with one or more trustees agents or attorneys-in-fact domiciled in another state and by imposing the tax upon equitable interests of residents in personal property held and managed in another state where the legal title to such personal property is held by more than one trustee agent or attorney-in-fact one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth and exempting casualty insurance companies having no capital stock from the tax imposed by this act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1224, (House Bill No. 1013), on third reading, entitled:

An Act to repeal section five of the act, approved the fourth day of May, one thousand nine hundred and five (P. L. 385), entitled "An act creating the Water Supply Commission of Pennsylvania; defining its duties; fixing the scope of its authority and powers, and making an appropriation for the payment of the salaries and expenses connected therewith," prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1226, (House Bill No. 1101), as follows:

An Act to amend sections one thousand five hundred and one and one thousand five hundred and eight of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating sewer connections and sewer district assessments in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Sections one thousand five hundred and one and one thousand five hundred and eight of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 1501 Power to Establish and Construct Sewers and Drains Sewer Rentals Townships may establish and construct a system of sewers and drainage locating the same as far as practicable along and within the lines of the public roads of the townships as seems advisable to the board of supervisors The supervisors may permit and where necessary for the public health require adjoining and adjacent property owners to connect with and use the same In case any owner or owners of property adjoining or adjacent to such sewer shall neglect or refuse to connect with and use said sewer for a period of thirty days after notice to do so has been served upon him or them by the supervisors either by personal service or by registered mail said supervisors or their agents employes and servants may enter upon such property and construct such connection or connections In such case the supervisors shall forthwith upon completion of the work send an itemized bill of the cost of construction of such connection or connections to the owner or owners of the property to which connection has been so made which bill shall be payable forthwith In case of neglect or refusal by the owner or owners of such property to pay said bill it shall be the duty of the township supervisors to file municipal liens for said construction within six months of the date of completion of the construction of said connection or connections the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens All persons so connecting shall pay in addition to the cost of making such connection a monthly or annual rate prescribed by a resolution of the board of supervisors Such monthly or annual rate shall constitute a lien until paid against the property so connecting with such system and the amount thereof may be recovered by due process of law

Nothing in this section shall be construed to repeal or modify any of the provisions of the Public Service Company Law

Section 1508 Sewer Districts Township to Pay Non-Assessable Portion of Cost Whenever a sewer system is constructed by a township for the accommodation of a certain portion only of the township the supervisors of such township may at any time before or after said construction constitute the territory accommodated into a sewer district or divide it into several sewer districts In every such case of division into several districts the [supervisor] supervisors shall make an estimate of the proportion of the cost of the sewer system which should equitably be charged on each of said districts and declare and establish such apportionment by resolution

In all cases where a sewer system is constructed by a township for the benefit of a certain portion only of the township and the cost of main sewers pumping stations pressure lines et cetera is charged against the sewer district or sewer districts as herein provided the total amount charged to each district may be assessed to the district by an assessment upon each lot or piece of land in said district in proportion to its frontage abutting on the sewer or by an assessment upon the several properties abutting on the sewer in proportion to benefits or the total amount charged to each district may be assessed upon the properties connected with and using said sewers as sewer rentals in the manner provided by law for the assessment of sewer rentals or each lot or piece of ground abutting upon said sewer may be assessed in proportion to its frontage or according to benefits the cost of a local sewer and the balance of the amount charged against the district may be assessed upon the properties connected with and using said sewer as sewer rentals in the manner provided by law for assessment of sewer rentals No district shall be charged with more than its due proportion of the cost of the main sewers pumping stations et cetera used jointly by more than one district the aggregate amount charged on property in any such district shall not exceed the amount of such estimate Where the whole of the township is accommodated by the system it may also be treated as a single district or divided into districts and be subject to the foregoing provisions

Any amount not legally chargeable upon properties benefited shall be paid out of the general township fund
Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Frey,	McGinnis,	Taylor,
Carr,	Geltz,	McQuiddy,	Thomas,
Cavalcante,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	Jaspan,	Ruth,	Watkins,
Crowe,	Kephart,	Scarlett,	Wilson, H. I.,
Detrick,	Lanius,	Shapiro,	Wilson, T. B.,
Dent,	Letzler,	Snowden,	Woodward,
		Stevenson,	Ziesenheim,

NAYS—3

Chapman,	Ealy,	Edmonds,
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A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1237, (House Bill No. 1643), on third reading, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for the manner of payment of escheator's fees informant's commissions and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat designating the funds to which such moneys shall be credited and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1246, (House Bill No. 1771), on third reading, entitled:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce annulment of marriage adoption and annulment of adoption proceedings providing for the registration of such certificates by the said department the issuance of certified copies thereof and fixing fees and penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1264, (House Bill No. 1370), as follows:

An Act to amend section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" further regulating the removal discharge or reduction in pay or position of officers clerks and employes in the classified civil service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" is hereby amended to read as follows

Section 18 No officer clerk or employe in the classified civil service of such city shall be removed discharged or reduced in pay or position except for just cause which shall not be religious or political Further no such officer clerk or employe shall be removed discharged or reduced except during the probationary period until he shall have been furnished with a written statement of the reasons for such action and been allowed to give the removing officer such written answer as the person sought to be removed may desire In every case of such removal or reduction a copy of the statement of the reasons therefor and of the written answer thereto shall be furnished to the civil service commission and entered upon its public records Within sixty days after the receipt of notice of removal discharge or demotion in pay or position the commission may upon its own initiative or shall upon request of the employe affected make such investigation as it may deem advisable either sitting as a body or through one or more of its members The investigating inquiry or hearing is declared to be for the purpose of fairly determining whether or not the employe involved by reason of his act or acts as charged and his record of service merits continuance therein or should be removed therefrom or demoted or otherwise disciplined for the good of the service In such investigations inquiries or hearings the commission shall not be required to follow established rules of evidence or court procedure but shall seek information and evidence bearing on the merits of the case The records of such investigations and all hearings shall be open to the public and the employe sought to be removed discharged or demoted shall have opportunity to be heard personally or through counsel in his own defense Within twenty days after the completion of such investigation or hearing or sooner if practicable the commission shall make its findings and conclusions which shall be forthwith certified to and enforced by the appointing authority The commission

may in its discretion after making its investigation of the charges against said employe affected order said employe to be reinstated without holding any further inquiry or hearing The commission shall have the authority after its disapproval of the removal discharge or reduction in pay or position of the employe affected to restore pay to the employe for the period of such removal discharge or reduction in pay or position

No police officer or fireman except those dismissed during probationary period shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense Such charges may be filed by any superior officer or by any citizen or taxpayer and shall within thirty days after filing be heard investigated and determined by the commission or by one of the commissioners or by some person or board appointed by the commission to hear investigation and determine the same Where one person is appointed by the commission to hear such charges he shall be a person learned in the law Where a board is appointed to hear such charges at least one member of such board shall be learned in the law The hearing shall be public and the accused and his counsel shall have the right to be heard

The finding and decision of the commission or commissioner or of such person or board when approved by the commission shall be certified to the appointing authority and shall be forthwith enforced by such authority

Nothing herein contained shall limit the power of any superior officer to suspend a subordinate for a reasonable period not exceeding thirty days pending hearing and decision Every such suspension shall be without pay Provided however That the commission shall have authority to investigate every such suspension and in case of its disapproval it shall have power to restore pay to the employe so suspended

All papers filed in any hearing under this section shall be public records of the commission

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1274, (House Bill No. 1178), entitled:

An Act providing that the compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election.

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I wonder if all the members of the Senate know what this bill provides. The title provides "that compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election." That means, when you read the bill, ninety days prior to the election of the tax collector. You can take a school board, let us say. The school boards change every other year, there are different school directors elected. How can they fix the compensation of a tax collector who has been elected before they have been elected? Then, the school code provides that the school directors shall fix their salary and the salary fluctuates, one year they might make it two, the next year two and one half and maybe the year after they might make it one and a half. I can not see the wisdom or the necessity of this bill at all. This is a very bad bill in my judgment, and should not be here at all. It is impractical for the levying authorities to fix the salaries of the tax collectors in advance, or before the tax collector is elected.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—5

Cox,	McQuiddy,	Mundy,	Shapiro,
DiSilvestro,			

NAYS—37

Barr,	Edmonds,	Letzler,	Thomas,
Bartlett,	Farrell,	Mallery,	Tyler,
Becker,	Frey,	McCreesh,	Wade,
Carr,	Geltz,	McGinnis,	Walker,
Cavalcante,	Heyburn,	Reed,	Watkins,
Chapman,	Homsher,	Ruth,	Wilson, H. I.,
Coleman,	James,	Snowden,	Wilson, T. B.,
Crider,	Kephart,	Stevenson,	Woodward,
Crowe,	Lanius,	Stiefel,	Ziesenheim,
Ealy,			

Less than a Constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON THIRD READING AND FINAL
PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1288, (House Bill No. 1501), as follows:

An Act authorizing the Secretary of the Department of Forests and Waters to lease a tract of land in Jackson Township Dauphin County to the Susquehannock Indian Tribe

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Forests and Waters with the

approval of the State Forest Commission is hereby authorized to lease at a nominal rental to the Susquehannock Indian Tribe, a tract of land not exceeding one hundred acres situated in the Haldeman Tract in Jackson Township Dauphin County the boundaries and extent of said tract to be fixed by the Secretary of Forests and Waters with the approval of the State Forest Commission

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	Jaspan,	Scarlett,	Wilson, H. I.,
Crowe,	Kephart,	Shapiro,	Wilson, T. B.,
Detrick,	Lanius,	Snowden,	Woodward,
Dent,	Letzler,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1305, (House Bill No. 1919), as follows:

An Act to amend sections 103 301 304 305 307 308 310 311 401 402 403 404 405 410 501 502 503 505 506 508 510 511 512 513 703 801 802 803 804 807 808 809 904 1003 and 1101 of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof of creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto provid-

ing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase authorizing special agents or examiners to conduct hearings on behalf of the Milk Control Commission enabling certain officers employes and agents to administer oaths providing the method and effect of, service of certain orders and the posting of rules regulations and certain orders enabling employes of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders requiring milk dealers or handlers to be licensed stating grounds for refusal suspension revocation of licenses and the right to transfer licenses stating grounds for refusal of the right to apply for a license stating the effect of service by registered mail enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers prescribing the effective date and term of such bonds and providing for their release providing for the increase or decrease of the amounts of bonds prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds providing for payment to those entitled thereto of moneys in the hands of the commission owing from dealers or handlers to producers, and from subdealers or subhandlers to dealers or handlers increasing the scope of regulation of subdealers or subhandlers making certain information available to cooperatives and producers' groups clarifying the requisites of orders fixing prices for milk providing for the competency of certain statistical testimony and data providing that all provisions of price-fixing orders shall be presumed to be valid and placing the burden of proving any invalidity of any order or part thereof stating the effect of partial invalidity of price-fixing orders defining violations of orders of the commission fixing prices making milk dealers or handlers responsible for acts of their directors officers agents or other persons acting for or on behalf of them giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk further regulating and imposing duties on milk dealers or handlers prescribing procedure on appeal from orders of the commission further defining and prescribing penalties defenses rights and remedies and providing for the payment of funds in the hands of the commission owing producers or dealers or handlers to those entitled thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 103 of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk producers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into inter-

state and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain method of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" is hereby amended to read as follows

Section 103 Definitions Construction The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Books and records" or "books or records" shall include all pertinent books ledgers journals records papers memoranda correspondence vouchers bills receipts cancelled checks accounts exhibits photographs and other documents

"Commission" means the State agency created by this act to be known as the "Milk Control Commission"

"Consumer" means any person natural corporate statutory or governmental other than a milk dealer or handler who purchases milk for consumption or use by himself or others

"Cooperative" means a cooperative agricultural association or corporation of producers organized under the laws of this Commonwealth or of any other state and engaged in making collective sales or in the marketing of milk for producers under contract with it A cooperative shall not be deemed a milk dealer or handler but shall be deemed a producer except as otherwise provided herein

"Handle" to handle means the doing of any one or several or all of the following acts to buy sell barter acquire store process consign receive transport control as owner buyer seller consignee consignor bailee bailor broker or factor

"Licensee" means a licensed milk dealer or handler

"Market" includes any county city borough incorporated town or township in the Commonwealth or any two or more such counties cities boroughs incorporated towns or townships or any portions thereof of any other land within the territorial limits of the Commonwealth designated by the commission as a marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk flavored milk or milk drink butter-milk ice cream mix and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans

"Milk dealer" or "handler" means any person including any store or subdealer or subhandler as hereinafter defined who purchases or receives or handles on consignment or otherwise milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth whether on behalf of himself or others or both A producer who delivers milk to a milk dealer or handler only shall not be deemed a milk dealer or handler [A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer Provided however That if such association or corporation] If a cooperative distributes or makes available on consignment or otherwise milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a

milk dealer or handler as to that part of its business and shall be governed by the provisions of this act applicable thereto [And provided further That] [s] Such cooperative [agricultural association or corporation] shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell or make available on consignment or otherwise milk within this Commonwealth to milk dealers handlers and others

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned [by two or more individuals] or conducted by or on behalf of two or more individuals or other persons

"Price" includes the amount paid or to be paid and the proceeds returned or to be returned whether the transaction be one of purchase sale consignment sale or return accounting or otherwise

"Producer" means a person producing milk

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which seels or distributes milk

"Subdealer" or "Subhandler" means any milk dealer or handler handling milk within the Commonwealth who sells or delivers all such milk to consumers or stores in the same containers as those in which he purchased or acquired it from other milk dealers or handlers

Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

Article or section headings shall not be construed to affect in any manner the scope or meaning of any article or section of this act

The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 2 Section 301 of the said act is hereby amended to read as follows

Section 301 Regulation of Milk Industry The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power to supervise investigate and regulate the entire milk industry of this Commonwealth including the production transportation disposal manufacture processing storage distribution delivery handling bailment brokerage consignment purchase and sale of milk and milk products in this Commonwealth and including the establishment of reasonable trade practices systems of production control and marketing area committees in connection therewith Provided however That nothing contained in this act shall be construed to alter amend or repeal any of the laws of this Commonwealth relating to the regulation of public utilities or to the public health or to the prevention of fraud and deception except as herein otherwise specifically provided

Section 3 Section 304 of the said act is hereby amended to read as follows

Section 304 Hearings Witness Fees The commission [or] any member thereof [may] or any special agent or examiner designated by the commission shall hold such hearings at the Capitol or elsewhere as [it] the commission deems necessary or appropriate to carry out the provisions of this act Provided however That all hearings for the fixing of prices for milk shall be held before one or more members of the commission Each witness required to attend before the commission [or] any member thereof or any such special agent or examiner under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County All such hearings [of the commission] shall be governed by such rules regulations and orders as shall be adopted and prescribed by the commission

Section 4 Section 305 of the said act is hereby amended to read as follows

Section 305 Subpoenas Oaths In order to enable the commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attend-

ance and testimony of or the production of pertinent books and papers by milk dealers or handlers or their employes producers or their employes persons having business dealings with milk dealers or handlers or producers or other persons whom the commission believes to have information books or papers of importance to it in carrying out the purposes and intent of this act [The commission] Each member of the commission and such officer employes or others employed in the work of the commission designated by the chairman of the commission also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers The commission may issue commissions letters rogatory or other appropriate processes outside the Commonwealth

Section 5 Section 307 of the said act is hereby amended to read as follows

Section 307 Adoption of Rules Regulations and Orders Subject to the approval of the Governor where such approval is hereinafter expressly required the commission [may] shall adopt and enforce all rules regulations and orders necessary or [desirable] appropriate to carry out the provisions of this act and not inconsistent with law

Section 6 Section 308 of the said act is hereby amended to read as follows

Section 308 Posting and Service of Rules Regulations and Orders Every general rule regulation or order of the commission shall be posted for public inspection in the main office of the commission at least six days before it shall become effective where it shall remain conspicuously posted until twenty days after its effective date and shall be given such further publicity by advertisement or announcement in a newspaper or otherwise as the commission shall deem advisable At least three days before it shall become effective copies of such general rule regulation or order shall be mailed to all licensees and producers' groups and organizations affected thereby Provided however That such mailing shall not be construed as a condition upon which the validity of any such rule regulation or order depends A certified copy of an order applying only to the particular person or persons named therein shall be served on the person or persons affected

An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

The posting in the main office of the commission of any rule regulation or order not herein required to be served and the giving of such further publicity thereto as the commission deems advisable or the proper service of any rule regulation or order required to be served shall constitute due and sufficient notice to all persons affected by such rule regulation or order A rule regulation or order of the commission when duly posted and so publicized or when properly served as provided in this section shall have the force and effect of law The commission shall upon request mail to any person a copy of any general rule regulation or order of the commission

The mailing or service by mail herein required shall be by deposit in a United States Post Office or in any receptacle thereof Service by registered mail as provided in this section shall be effective notwithstanding the refusal of the addressee to accept or receive an order so served

Section 7 Section 310 of the said act is hereby amended to read as follows

Section 310 Entry and Inspection Pursuant to the pur-

poses of this act any member of the commission or any employee designated for the purpose shall have access to and may enter and inspect at all reasonable hours all places and equipment where milk or any product thereof is being produced stored bottled processed manufactured sold weighed tested consigned or otherwise handled Any member of the commission or any designated employee thereof also shall have power at all reasonable hours to inspect photograph photostat mark or stamp for identification audit and copy all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the commission to administer this act The information obtained regarding any person by any such inspection auditing or copying or by reports or statements required or authorized by this act shall be for the confidential use of the commission and the various administrative departments boards and commissions of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court and any member or employee of the commission or other person disclosing such information except as herein required shall be subject to the penalties herein provided for a violation of this act Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data

Section 8 Section 311 of the said act is hereby amended to read as follows

Section 311 Interstate and Federal Compacts The commission is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states The commission is authorized to join with such authorities of other states and with the authorities of the United States to conduct joint investigations to exchange information hold joint hearings and issue joint complementary or concurrent orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

Section 9 Section 401 of the said act is hereby amended to read as follows

Section 401 Milk Dealers or Handlers Required to be Licensed Except as herein otherwise specifically provided a milk dealer or handler as defined in this act shall not buy [milk] or handle milk whether as a broker factor bailee consignee or otherwise and whether or not by contract or operation of law title passes to the handler from producers or others within this Commonwealth for storage consignment brokerage manufacture processing distribution or sale within or without this Commonwealth or manufacture process handle sell or distribute milk within this Commonwealth unless such dealer or handler be duly licensed as herein provided and it shall be unlawful for a milk dealer or handler to buy or receive milk from or sell or consign milk to or handle as broker factor consignee or otherwise milk for a milk dealer or handler who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

Section 402 Milk Dealers or Handlers Subject to Exemption The commission may by official order exempt from the license requirements provided by this act milk dealers or handlers who purchase or handle milk in a total quantity not exceeding one thousand five hundred pounds in any month and milk dealers or handlers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The commission may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased or acquired from a licensed milk dealer or handler However milk dealers or handlers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers or handlers

Provided however that in cash sales of milk not exceeding two gallons to any one consumer in any one day at the farms of producers to consumers in containers owned and provided by the consumer the producers so selling milk shall be exempt from the provisions of this act

Section 11 Section 403 of the said act is hereby amended to read as follows

Section 403 Applications An application for a license to operate as a milk dealer or handler shall be completed and filed by the dealer or handler with the commission within thirty days after this act takes effect or prior to his engaging in business and annually thereafter on or before April fifteenth by mail or otherwise upon a form prescribed by the commission Such application shall be accompanied by the fee required by this act and by a bond when so required by this act in order to be complete The license year shall commence May first and shall end April thirtieth following The applicant shall state under oath or affirmation upon a form prescribed by the commission the following

- (1) The nature of the business to be conducted
- (2) The full name of the person applying for the license If the applicant is a copartnership or association the full name of each member shall be stated If the applicant is a corporation the names and addresses of all officers and directors shall be stated
- (3) The city borough incorporated town or township and the street number if any at which the business is to be conducted
- (4) The financial condition of the applicant including a comprehensive financial statement of his affairs
- (5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the commission filed or served as required in this act the quantity source and outlet of milk handled within the Commonwealth during the calendar year preceding the period for which the license is desired and such other facts with respect to the applicant's business as may be required by the commission pursuant to this act

Section 12 Section 404 of the said act is hereby amended to read as follows

Section 404 Grounds for Refusal Suspension or Revocation The commission shall grant a license to an applicant complying with the provisions of this act and the rules regulations and orders issued by the commission pursuant thereto The commission may decline to grant a license to an applicant or may suspend or revoke the right of a licensee or former licensee to apply for a license for a new license period or may suspend revoke or refuse to transfer a license already granted to a milk dealer or handler or may prohibit a milk dealer or handler exempted from the license requirements of this act from continuing to operate as a milk dealer or handler after determination by the commission that the dealer or handler

(1) Has rejected without reasonable cause any milk purchased or acquired from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered or made available by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contract "reasonable advance notice" shall not be construed to mean notice of less than [one week] two weeks nor more than [two] four weeks

(2) Has [without reasonable cause failed to account and make payment for any milk purchased from a producer] if a milk dealer other than a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a producer or producers or has if a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a milk dealer Provided however That if it be shown that there was reasonable

cause for any such failure to account and make payment and that such accounting and payment can and will be made promptly in addition to currently accounting and paying for milk purchased or received as aforesaid the commission shall not refuse to grant or suspend revoke or refuse to transfer a license solely for such failure to account and make payment until a reasonable opportunity has been afforded to make such accounting and payment

(3) Has committed any act injurious to the public health or public welfare or has committed any act injurious to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence thereof shall include any course of conduct on the part of the milk dealer or handler in violation of the terms of this act or any valid rules regulations and orders of the commission

(4) Has made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution remains wholly or partly unsatisfied

(5) Has been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders or any producers' or farmers' union or organization shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) Has continued in a course of [dealing] conduct of such nature as to [satisfy the commission of an intent of the] manifest an intention on the part of such milk dealer or handler to deceive or defraud producers or consumers

(7) Has failed either to keep records or to furnish accurately the statements or information required by the commission to be supplied to it or to producers or consumers

(8) Has made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) Is a partnership association or corporation and any individual holding any position owning any substantial interest or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) Has violated any of the provisions of this act or any of the rules regulations or orders of the commission or any stipulation entered into between the said dealer or handler and the commission in the course of any proceeding before the commission

(11) Has violated any provisions of acts repealed hereby or of rules regulations or orders issued thereunder

(12) Has rejected milk sold or delivered or made available on consignment or otherwise by or on behalf of a producer in ordinary continuance of a previous course of dealing because the producer or his employe agent or representative testified in any proceeding before the commission or in any civil or criminal case in any court whether or not of record in which any provision of this act or any order of the commission was concerned and it shall be no defense that reasonable advance notice was afforded the producer before the milk was rejected

(13) Has refused without reasonable cause to receive milk from a producer because it was not hauled to the

milk dealer or handler by a hauler of the dealer's or handler's choosing or because it was hauled to the dealer or handler by a producer or a hauler of a producer's or cooperative's choosing providing that such producer or hauler has adequate facilities and equipment for hauling and is delivering or is ready and willing to deliver milk to the plant of such dealer or handler in proper condition and at the times necessary to coincide with the current schedule of plant operations of the dealer or handler

The burden of proving reasonable cause under any provisions of this section shall be upon the milk dealer

The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the license period [unless] except where the commission or its predecessor board had proceeded against the licensee for such violation and any valid order thereon has been complied with by the licensee

The commission shall grant a provisional and temporary license to a prior licensee when and if for any cause the action of the commission with respect to an application seasonably filed has not become final prior to the expiration of the period of such prior license Such a temporary and provisional license may be issued on such terms and conditions as the commission may impose and shall authorize the licensee to continue in business until final action with respect to his pending application has been taken and no longer

Section 13 Section 405 of the said act is hereby amended to read as follows

Section 405 Hearings and Orders Before refusing to grant or to reissue or before suspending revoking or refusing to transfer a license the commission shall afford the applicant or the licensee respectively an opportunity to be heard It shall direct a citation to such applicant or licensee by registered mail sent to his last known address giving therein at least five days' notice of such hearing and a statement of the matters complained of The direction of such citation by registered mail as aforesaid shall be sufficient notice of such hearing notwithstanding any refusal of the addressee to accept or receive said citation The five days' notice shall be computed as from the time that the addressee accepts or receives or refuses to accept or receive said citation After such hearing and upon entry of any order thereon the commission shall serve a certified copy of such order upon the applicant or licensee filing at its office the original and a statement in writing of the findings of fact in support thereof

Section 14 Section 410 of the said act is hereby amended to read as follows

Section 410 Computation of License Fees Milk sold and distributed outside of this Commonwealth in any state which charges milk dealers or handlers a license fee may be deducted in the determination of the amount of the license fee required by this act Provided That such quantity of milk is actually computed in determining the amount of such license fee in such other state In computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commission shall prescribe except in the case of farm-separated sour cream used exclusively in making butter to be marketed or ultimately sold as such in which case the daily average total quantity of such milk shall be computed according to pounds of butterfat of sour cream rather than the fluid milk equivalent thereof Nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer or handler from another milk dealer or handler subject to license hereunder which milk has been included in the computation of such other dealer's fees or milk which is produced by the applicant dealer or handler and not sold by him to stores or consumers Applicant milk dealers or handlers other than subdealers or subhandlers receiving their entire supply from milk dealers or handlers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars (\$10.00)

Section 15 Section 501 of the said act is hereby amended to read as follows

Section 501 Milk Dealers or Handlers Required to File Bonds It shall be unlawful for a milk dealer or handler to purchase acquire or receive on consignment or otherwise milk from producers unless the milk dealer or handler shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Except as otherwise herein provided the bond shall be in a sum equal to the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed one hundred thousand dollars (\$100,000.00) The bond shall be upon a form prescribed by the commission conditioned for the payment by the milk dealer or handler of all amounts due including amounts due under this act and the orders of the commission for milk [sold by such producers to] purchased or otherwise acquired from producers by the milk dealer or handler during the license year upon such terms and conditions as the commission may prescribe

In the case of a milk dealer or handler who pays producers in full each week for milk purchased acquired or received by him from such producers the bond shall be in a sum equal to fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from the producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed fifty thousand dollars (\$50,000.00)

Section 16 Section 502 of the said act is hereby amended to read as follows

Section 502 Computation of Amount of Certain Bonds Milk purchased acquired or received by a milk dealer or handler from producers outside the Commonwealth and sold or distributed by such dealers or handlers as fluid milk within the Commonwealth shall be included in computing the amount of such dealer's or handler's bond except where such dealer or handler has filed a bond for the protection of such producers with the state wherein the milk is purchased acquired or received or with such producers In such computation the amount due for such milk shall be determined according to any applicable official prices or any lawful contract price

A milk dealer or handler purchasing or acquiring or receiving or intending to purchase acquire or receive milk from producers but not so engaged during any month of the preceding calendar year shall file a bond in a reasonable sum to be fixed by the commission and within the time for filing his application such dealer or handler shall request the commission to fix such sum

Section 17 Section 503 of the said act is hereby amended to read as follows

Section 503 Time of Filing Effective Period of Bond The bond herein required shall be filed with the dealer's or handler's application for a license and shall be filed within the time for filing such application The bond shall become effective upon its being filed with the commission for the entire license year or for that part of the license year in which the milk dealer or handler became engaged in the milk business Any bond filed with the commission shall become effective upon being filed whether or not it is approved by the commission and shall no longer be of effect during the license year only when it has been replaced by a bond approved by the commission to be substituted therefor The bond herein required shall be an obligation independent of the granting of a license and shall remain in full force and effect for and during the license year designated as long as the dealer or handler purchases or receives milk from producers or is indebted to pay producers for any milk delivered during said license year whether or not a license is granted the milk dealer or handler or a license granted the milk dealer or handler remains in force The commission shall determine within a reasonable time after the close of a license year which milk dealers or handlers have paid all amounts protected by their bond filed

with the commission and if the commission finds that all amounts protected by the bond of a milk dealer or handler have been paid it shall thereafter return the bond for said past license year to each such milk dealer or handler

Section 18 Section 505 of the said act is hereby amended to read as follows

Section 505 Financial Statement A milk dealer or handler shall from time to time when required by the commission make and file with the commission a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the commission which financial statement shall contain the names of the producers from whom milk was purchased acquired received or handled on consignment or otherwise the amount due to the producers and any other relevant facts required by the commission pertinent to the dealer or handler or the dealer's or handler's surety or sureties

Section 19 Section 506 of the said act is hereby amended to read as follows

Section 506 Increase or Decrease of Bond If it shall appear from the dealer's or handler's financial statement or from facts otherwise ascertained by the commission that the bond afforded to producers selling supplying or making available on consignment or otherwise milk to such milk dealer or handler does not adequately protect such producers the commission may require such milk dealer or handler to procure an additional surety or to give an additional bond or additional security for the collateral bond in a sum to be determined by the commission which (1) shall not exceed more than fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received on consignment or otherwise by the dealer or handler from producers in any one month during the preceding or current year which value shall be computed according to the prices applicable [and] or which (2) shall be a sum not exceeding by more than fifty per centum the amount found to be due and owing producers by such dealers on a particular date determined by the commission whichever sum is greater but the total increase shall not in any event exceed fifty thousand dollars (\$50,000.00) In the case of a milk dealer or handler who pays producers in full each week for milk purchased acquired or received or handled on consignment or otherwise by him from such producers any increase required hereunder shall not exceed more than twenty-five per centum of such value [and] or amount but the total increase in any event shall not exceed twenty-five thousand dollars (\$25,000.00)

The commission may grant a reduction of the bond or the collateral or release an additional surety if it shall appear that owing to a decrease in the milk [purchases of the milk dealer] purchased received or handled by the dealer or handler or to other causes a bond in a lesser amount or with fewer sureties will protect producers selling supplying or making available milk to such milk dealer or handler

Section 20 Section 508 of the said act is hereby amended to read as follows

Section 508 Interest or Dividends upon Securities The milk dealer or handler shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer or handler with the commission and transmitted by the commission to the State Treasurer for safekeeping in accordance with the provisions of this act Provided however That the milk dealer or handler shall not be entitled to interest or dividends if there is on file with the commission a valid unpaid claim of a producer against the milk dealer or handler based on milk sold supplied or made available by such producer to the milk dealer or handler

Section 21 Section 510 of the said act is hereby amended to read as follows

Section 510 Effect of Order by Commission If by valid formal order refusing suspending or revoking a license after hearing with due notice to all those liable on the bond the commission has found a milk dealer or handler

to be indebted thereunder such order and the findings of fact in support thereof shall be conclusive evidence of the amount due under such bond in a suit thereon by the commission unless an appeal therefrom is pending and a supersedeas granted

Section 22 Section 511 of the said act is hereby amended to read as follows

Section 511 Procedure for Disbursing Proceeds The commission [may] shall prescribe the procedure for the payment out of the proceeds of any bond or collateral required by this article of the amounts found due to producers or handlers or dealers based on sales or deliveries of milk by them to a milk dealer or handler who has posted a bond or collateral Provided however That if the proceeds of a bond or of collateral which has been posted by a milk dealer or handler shall be insufficient to pay in full the amounts due to producers who have sold or supplied milk to such milk dealer or handler the moneys available shall be divided pro rata among such producers

Section 23 Section 512 of the said act is hereby amended to read as follows

Section 512 Cooperatives A cooperative agricultural association or corporation organized under the laws of the Commonwealth or a similar association organized under the laws of this or any other state or any producers' or farmers' union or organization shall be deemed a producer within the provisions of this article and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this article

Section 24 Section 513 of the said act is hereby amended to read as follows

Section 513 Subdealers' or Subhandlers' Bonds It shall be unlawful for a subdealer or subhandler to buy acquire receive or handle milk from a milk dealer or handler who purchases acquires or receives milk from producers unless the subdealer or subhandler shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Such bond shall be executed to the Commonwealth in a sum equal to three hundred dollars (\$300.00) for each route owned or operated by the subdealer or subhandler and shall be conditioned for the payment by the subdealer or subhandler of all amounts due under this act and the orders of the commission for milk purchased acquired or received from such milk dealer or handler or dealers or handlers during the license year subject however to the further condition that if at time of default such milk dealer or handler or dealers or handlers are indebted or in arrears in their payments to producers the proceeds thereof shall be held on the account of such dealer or handler or dealers or handlers for the benefit of such producers Such bond shall be filed annually with the subdealer's or subhandler's application for a license and shall in all applicable particulars not herein specifically mentioned be subject to terms and conditions such as are provided in the other sections of this article for the bonds of others milk dealers or handlers and for suits thereon except where the protection of such milk dealers or handlers selling delivering or making available milk to the subdealer or subhandler or of producers selling delivering or making available milk to such milk dealers or handlers requires the substitution of such dealers or handlers and producers in applying such terms and conditions to the bonds of subdealers or subhandlers

Section 25 Section 703 of the said act is hereby amended to read as follows

Section 703 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof producers of milk producers' or farmers' unions or organizations and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and educational information pertaining to milk by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them

which agent may be the commission if it consents to be such Any such licensees producers and associations or corporations may confer and discuss the cost of production marketing market conditions and prices for [the sale of] milk

A milk dealer or handler shall upon the request of a producers' or farmers' union having written authority from producers or of a cooperative supply it with the information required to be kept under Subsection (1) of Section 701 of this Article insofar as such information pertains to the milk produced by the stockholders members or patrons of such producers' or farmers' union or cooperative selling or supplying milk to such milk dealer or handler

Section 26 Section 801 of the said act is hereby amended to read as follows

Section 801 Requisites of Orders Fixing Price of Milk The commission shall ascertain after a hearing in which all interested [parties] persons shall be given reasonable opportunity to be heard the logical and reasonable milk marketing areas within the Commonwealth shall describe the territorial extent thereof shall designate such areas by name or number and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth having special regard to the health and welfare of children residing therein

The commission shall base all prices upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer [and] which return shall not be less than the cost of production and a reasonable profit to the producer and a reasonable return to the milk dealer or handler In ascertaining such returns the commission shall utilize a cross-section representative of the average or normally efficient producers and dealers or handlers in the area

The commission shall file at its office with each order issued a general statement in writing of the findings of fact in support of and the reasons for such order

The commission may upon its own motion or upon application in writing from time to time alter revise or amend an official order defining milk marketing areas or fixing prices to be charged or paid for milk Before making revising or amending any order defining milk marketing areas or fixing prices to be charged or paid for milk the commission shall hold a hearing after giving reasonable [notice thereof] opportunity to be heard to interested persons of whom the commission has notice and in the case of any order affecting the public after giving reasonable notice thereof to the public in such newspaper or newspapers as in the judgment of the commission shall afford sufficient notice and publicity Provided however That upon application in writing from a person aggrieved by an order of the commission hereunder filed within fifteen (15) days after the issuance of the order complained of or upon its own motion the commission may within twenty (20) days after the effective date of such order issue an order revising or amending such order without a further hearing if such revision or amendment is based on the record of the hearing held prior to the issuance of such order

"Interested persons" as used in this section means all persons who may be affected by an order of the commission fixing prices and who have signified to the commission in writing their desire to be notified of such hearings concerning a particular milk marketing area or areas within the Commonwealth "Reasonable opportunity to be heard" may be afforded by written notice addressed to the last known address of an interested party by mail postage prepaid by deposit in a United States post office or any receptacle thereof Nothing contained in this section shall be construed to limit or modify the provisions of section three hundred eight of this act relating to the posting and publicizing of orders of the commission including orders made under this article and the force and effect thereof

At any hearing provided for herein the testimony of an expert statistician present at the hearing and any printed typewritten duplicated mimeographed or other written treatise report or statistical data by an expert not present as a witness if and to the extent it is endorsed as reliable by an expert witness present at the hearing shall be competent evidence on any subject material to fixing any price under this article

All provisions of all price-fixing orders of the commission shall be presumed to be valid and the burden of proving any invalidity of any provisions thereof shall be upon the person asserting the same Any determination by the commission or a court to which an appeal has been taken that the wholesale or retail prices provided are invalid shall not prevent the enforcement of prices to producers but any determination that prices to producers are unreasonable shall require the redetermination by the commission of wholesale and retail prices as well as prices to producers

Whenever an order of the commission fixing prices is remitted to the commission with directions to reform the findings or order in accordance with the opinion of the court and no further appeal is taken by the commission the commission shall make such reformation within thirty days from the entry of the order of the court remitting the price fixing order to the commission

Every order made pursuant to this article and any revision or amendment thereof in which the commission fixes or changes the price of milk to producers or to consumers or both shall be subject to the approval of the Governor

Section 27 Section 802 of the said act is hereby amended to read as follows

Section 802 Wholesale and Retail Prices The Commission shall fix by official order (except as hereinafter provided in this section) the minimum wholesale and retail prices and may fix by official order the maximum wholesale and retail prices to be charged and received by milk dealers or handlers for milk sold delivered handled or consigned within any milk marketing area of the Commonwealth wheresoever produced including milk sold delivered or consigned by

(1) Milk dealers or Handlers to other milk dealers or handlers

(2) Milk dealers or Handlers to consumers

(3) Milk dealers or Handlers to stores either for consumption [on the premises or resale] at the stores or sale to consumers

(4) Stores to consumers except for consumption [on the premises] at the store where sold

Nothing herein contained shall be construed to empower the commission to fix the price at which milk may be sold by any milk dealer or handler or producer to consumers for consumption on the premises of such milk dealer or handler or producer

The fixing of minimum wholesale or retail prices for skimmed milk condensed or concentrated whole or skimmed milk bulk cream handled between milk dealers or handlers other than stores and ice cream mix shall be discretionary with the commission

Section 28 Section 803 of the said act is hereby amended to read as follows

Section 803 Prices to Producers The commission shall fix by official order the minimum prices to be paid by milk dealers or handlers to producers for milk sold or delivered or made available on consignment or otherwise by producers to dealers or handlers Provided however That the fixing of prices to be paid by milk dealers or handlers to producers for milk to be used solely in manufacturing shall be discretionary with the commission

Section 29 Section 804 of the said act is hereby amended to read as follows

Section 804 Classification When pursuant to any statute or regulations or orders adopted thereunder or any ordinance or reasonable trade practice various grades of milk are specified orders of the commission fixing minimum or maximum prices may be applicable to each grade

Orders of the commission fixing minimum or maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk and milk dealers or handlers in any reasonable manner which the commission deems advisable and may vary according to the classes to which they are applicable The orders of the commission with respect to the minimum prices to be paid to producers and others shall apply to the area in which the milk is produced or to the area in which the milk so produced is manufactured sold or distributed as the commission shall provide and may vary in different areas according to varying uses grades and conditions Each such order may classify such milk by forms classes grade or uses as the commission may deem advisable and may specify the minimum prices therefor Other reasonable methods of classification may be prescribed by the commission

Section 30 Section 807 of the said act is hereby amended to read as follows

Section 807 Violations After the commission shall have fixed prices to be charged or paid for milk whether by class grade use or otherwise it shall be unlawful for a milk dealer or handler or producer [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or advertise for sale delivery purchase or receipt or hold one's self out as willing to sell deliver buy or receive milk at any price below the minimum price or above the maximum price applicable to the particular transaction

No method or device shall be lawful whereby milk is bought [or sold or offered to be bought or sold] or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise or offered to be bought or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise at a price less than the minimum price applicable to the particular transaction whether by any discount premium rebate free service trading stamps advertising allowance or extension of credit or by a combined price for such milk together with another commodity or a service which is less or is represented to be less than the aggregate of the price of the milk and the price or value of such commodity or service when [sold or offered for sale] bought or received or handled on consignment or otherwise sold or delivered or made available on consignment or otherwise or offered for sale delivery purchase handling or receiving separately or otherwise

It shall be unlawful for any milk dealer or handler to store manufacture process sell or handle or deliver or make available on consignment or otherwise any milk for which he has paid or agreed to pay a price lower than that fixed by the commission for milk of that class or grade

It shall be unlawful for a milk dealer or handler [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to store manufacture process sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise milk at a price computed upon false or erroneous weight butterfat test grade or classification or at a price from which have been made deductions not authorized by law or in excess of any deductions so authorized whether such illegal deductions be in the form of excessive transportation charges or otherwise

The act of a director officer agent or other person acting for or employed by a milk dealer shall be deemed the act of such milk dealer

Section 31 Section 808 of the said act is hereby amended to read as follows

Section 808 Prices of Certain Milk It is hereby declared to be the legislative intent that the instant (whensoever that may be) that the handling by a milk dealer or handler of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred on the commission by this act and particularly by this article shall attach but such restrictions shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans

It is also hereby declared to be the legislative intent that the prices prescribed by the commission for milk produced in this Commonwealth and sold or delivered or made available on consignment or otherwise in this Commonwealth for shipment into and ultimate sale in another state shall not be destructive of the price structure of producers in such other state

Section 32 Section 809 of the said act is hereby amended to read as follows

Section 809 Cooperatives It is hereby declared to be the legislative intent that no provision of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or in the marketing of milk for the producers thereof from blending the net proceeds of its sales or consignments or deliveries in all its markets or of its sales or deliveries within any particular market in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductions and differentials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it or from making such sales or deliveries at a blended price based upon sales or deliveries thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Nothing herein contained shall prevent any milk dealer or handler from contracting for his milk with such cooperative agricultural association or corporation upon such basis but all such contracts shall be upon the basis of the prices fixed by the commission with the result that the net price received for milk by such cooperative association or corporation shall be commensurate with such prices No milk dealers or handlers or agents thereof shall receive from any producer or from such corporation association or corporation directly or indirectly any discounts rebates free service or compensation through rentals extension of credit or otherwise for the purpose or with the effect of reducing the net cost to the dealer or handler for milk purchased or received by or through such cooperative association or corporation

No provision of this act shall be deemed or construed to affect the contracts of such cooperative agricultural association or corporation with its producers except as hereinafter specifically provided not to affect or abridge the rights and powers of such an association or any of its operations Provided however That the powers of subpoena entry and inspection vested in the commission under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals for the purpose of administering this act This section shall not however be construed to exempt such association or corporation from the jurisdiction of the commission over the prices at which it may sell milk to milk dealers or handlers stores or consumers

Any cooperative agricultural association or corporation organized after the effective date of this act or within

ninety (90) days prior to the effective date hereof or which if organized over ninety (90) days prior to the effective date of this act was not marketing milk for producers upon the effective date of this act or ninety (90) consecutive days prior thereto shall not be entitled to avail itself of the benefits of this section if it pays or distributes to its producers a price which is more than one and one-half per centum ($1\frac{1}{2}\%$) lower than the prices prescribed by the commission unless such association or corporation shall furnish reasonable proof to the commission that such one and one-half per centum ($1\frac{1}{2}\%$) is insufficient to pay such lawful expenses and charges for its operations and maintenance as may be authorized under the contracts between the association or corporation and its producers

Every cooperative agricultural association or corporation operating under the provisions of this section shall file with the commission a copy of its certificate of incorporation and by-laws and a copy of each form of contract employed in its relations with producers within sixty (60) days after the effective date of this act

Section 33 Section 904 of the said act is hereby amended to read as follows

Section 904 Pleading and Service The appeal provided by this article from action of the commission shall be by petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioner's objections to the action and decision of the commission and shall state facts in support of such objections sufficient to constitute a prima facie case and any objection not so specified and supported by facts shall not be considered by the court Every such petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed merely for purposes of delay

Upon service of a summons upon the commission returnable at least ten (10) days from the date of service the commission may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition If such motion is not sustained the commission shall be given leave to file an answer within not less than ten (10) days after the order of the court overruling the motion

On or before the return day of such summons served upon the commission or within the time allowed in an order of the court denying a motion to dismiss an appeal the commission [shall] may file an answer which shall deny or admit the allegations of fact in the petition and which may also allege by way of defense the grounds for its action or decision If no answer is filed by the commission the case shall be at issue without further pleadings as though an answer had been filed denying all the allegations of fact in the petition

Upon the filing of an answer by the commission or if no answer is filed then on the return day or at the expiration of the time allowed for answer by an order of court the case shall be at issue without further pleadings and upon application of either party the case [shall] may be advanced and heard without further delay

Section 34 Section 1003 of the said act is hereby amended to read as follows

Section 1003 Actions to Enforce Compliance The commission or any person marketing committee union or association composed of persons affected by the orders rules or regulations of the commission may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the commission made pursuant to the provisions of this act

Section 35 Section 1101 of the said act is hereby amended to read as follows

Section 1101 Milk Control Fund All moneys collected or received by the commission arising from license fees penalties permits or any other source shall be paid by the commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be

placed in a separate fund to be known as the "Milk Control Fund" Fines imposed under this act shall be payable to and collected by the commission and similarly placed in the Milk Control Fund.

Moneys collected or received by the commission that are not funds of the Commonwealth but are due to producers dealers or handlers for or on account of milk acquired or received by dealers or handlers from producers or other dealers or handlers and placed in the Milk Control Fund shall be paid to the persons entitled thereto by the State Treasurer as directed by the commission.

Section 36 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,
Bartlett,
Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deitrich,
Dent,
DiSilvestro,

Ealy,
Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
Jaspan,
Kephart,
Lanius,
Letzler,

Mallery,
McCreesh,
McGinnis,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,
Stevenson,

Stiefel,
Tallman,
Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1306, as follows:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the Pennsylvania State College for the two fiscal years beginning June first one thousand nine hundred and forty-one for the use of the School of Mineral Industries for the purpose of making a study of the possibilities of developing the supply of aluminum by extracting and refining the aluminum silicate contained in the clay deposits of the Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,
Bartlett,

Ealy,
Edmonds,

Mallery,
McCreesh,

Stiefel,
Tallman,

Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deitrich,
Dent,
DiSilvestro,

Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
Jaspan,
Kephart,
Lanius,
Letzler,

McGinnis,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,
Stevenson,

Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1308, entitled:

A. Act to further amend the first paragraph of section three of the act, approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 912) entitled "An act to protect the public health: defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties," by extending the exception from registration and licensing requirements.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. HEYBURN. Mr. President, I am going to ask unanimous consent to introduce amendments to Senate Bill No. 1308, but first I think I should make a short explanation.

The PRESIDENT. The gentleman from Delaware will proceed.

Mr. HEYBURN. Mr. President, Senate Bill No. 1308 was introduced by my colleague from Somerset, Senator Ealy, at the request of the Department of Agriculture. It is an attempt to amend a law passed in 1933 licensing bakers, which had an exemption in it of those bakers using less than fifty pounds of flour per week. This act was held unconstitutional by Judge Sarah M. Soffel, of the Allegheny County Court, and this bill now has to be amended to change the definition of bakers to exclude those not using more than fifty pounds of flour per week.

These amendments were offered yesterday, but my very learned colleague from Philadelphia, Senator Shapiro, objected to them, claiming they were not in order. Today I again took the amendments up with the Attorney General's Department and they tell me the amendments are in order and fit like a new shoe.

Therefore, Mr. President, I submit the identical amendments again.

Mr. HEYBURN. Mr. President, I ask unanimous consent to amend the title, page 1, first line of title by inserting after the word "To" the words: "amend section one"; Amend the title, page 1, first line of title by striking out the words "the first paragraph of"; Amend the title, page 1, first line of title, by inserting after the word "three" the words: "and to reenact section six"; Amend the title, page 1, next to last line of title by striking out

the word "extending" and inserting in lieu thereof the words: "redefining 'bakery'; removing"; Amend the title, page 1, last line of title by inserting after the word "requirements" the following: "requiring registered bakery products to show the fact of such registration; making it unlawful for any person to sell, offer for sale or have in possession with intent to sell unregistered bakery products or to import bakery products, from bakeries not licensed hereunder; and making possession prima facie evidence of intention to sell"; Amend sec. 1, page 1, line 1, by striking out the words "The first paragraph of section three" and inserting in lieu thereof the words: "Section 1"; Amend sec. 1, page 2, line 5, by striking out the word "manufactue" and inserting in lieu thereof the word: "manufacture"; Amend sec. 1, page 2, line 7, by inserting after the word "penalties" the following: "is hereby amended to read as follows:

Section 1. Be it enacted, etc., That—Definitions—The following words and terms, as used in this act, shall be construed as follows:

"Bakery" means and includes all buildings, and parts of buildings, cellars and basements, used for the manufacture and handling of bakery products intended for sale, and for the mixing and other preparation of ingredients and materials entering into the manufacture of bakery products, where more than fifty pounds of flour, flour substitute, flour mixture, or potatoes are used each week in the preparation of such products.

"Bakery products" means and includes bread, rolls, cakes, cookies, crackers, ice cream cones, crullers, doughnuts, biscuits, pies, macaroni, spaghetti, noodles, alimentary pastes, pretzels, potato chips, and all other products whatever manufactured in a bakery and intended for human consumption, as well as the ingredients and materials entering into their manufacture.

"Person" means an individual, copartnership, association, and corporation.

"Department" means the Department of Agriculture of the Commonwealth of Pennsylvania.

Section 2. Section three of said act,

Amend sec. 1, (sec. 3), page 2, line 23, by striking out the word "bakeies" and inserting in lieu thereof the word: "bakeries"; Amend sec. 1, (sec. 3), page 2, line 27, by inserting a light-face bracket before the word "Provided"; Amend sec. 1, (sec. 3), page 2, line 27, by striking out the light-face bracket before the word "in"; Amend sec. 1, (sec. 3), page 2, line 28, by striking out the light-face bracket after the word "Pennsylvania"; Amend sec. 1, (sec. 3), page 3, line 1, by striking out the word "productst" and inserting the word "products"; Amend sec. 1, (sec. 3), page 3, line 3, by inserting a light-face bracket after the word "license"; Amend the bill, page 3, by inserting between lines 3 and 4, the following:

The application for a license and registration shall be made on a form to be supplied by the department, and shall show trade names of all products and principal address of bakery. The application shall have attached thereto the affidavit of the person applying for the license that the facts set forth therein are true and correct.

From and after the first day of January, one thousand nine hundred and thirty-four, it shall be unlawful for any person to operate a bakery for the manufacture of bakery products unless said bakery is duly licensed in accordance with the provisions of this act.

Upon approval of application for registration and license and payment of required license fee, and also upon approval of sanitary conditions in a bakery and every store or shop connected therewith, the Department of Agriculture shall issue to each applicant a license or certificate of registration, which shall expire at the end of each calendar year, and which will authorize the operation of said bakery and the baking, compounding, manufacturing, and sale of said bakery products for the calendar year, or portion thereof, for which a license or certificate of registration shall be issued.

All wrappers, caddies, boxes, packages or containers of any kind whatsoever, in which bakery products shall be wrapped, packaged, boxed or contained shall be printed or marked in a clear and legible manner with the trade name or kind of bakery product which it purports to be, and with the name of the bakery manufacturing such bakery product, or with the name and address of the distributor or wholesale dealer distributing such bakery product, preceded by the words "distributed by" or followed by the word "distributor," as the case may be, and in all cases, the words "Registered with Pennsylvania Department of Agriculture" or any abbreviation thereof approved by the department: Provided, That when transparent wrappers are employed, such printed or legible statement may be inserted in a conspicuous position between such transparent wrapper and the top of the loaf or other bakery product, or by printed band or wrapper around the top of the loaf or other bakery product.

Section 3. Section 6 of said act, as added by section two of the act approved the first day of July, one thousand nine hundred thirty-seven, (P. L. 2676), is hereby reenacted as follows:

Section 6. Sale and Importation of Bakery Products—It shall be unlawful for any person—

(a) To sell, offer for sale, or have in his possession with intent to sell, a bakery product which is not registered with the department as provided in this act. Possession of any bakery product shall be deemed prima facie evidence of an intent to sell such bakery product.

(b) To import into this Commonwealth for sale within this Commonwealth any bakery products manufactured in a bakery in another state that is not licensed according to the laws of this Commonwealth.

Amend sec. 2, page 3, line 4, by striking out the figure "2" and inserting in lieu thereof the figure "4."

On the question,

Will the Senate agree to the amendments?

Mr. SHAPIRO. Mr. President, in view of the fact that I raised an objection to these amendments yesterday, I think it only fair to state that I went over these amendments this morning with the gentleman who offered them, and while they do fit like a new shoe, they were pretty tight, and it took an hour's time to figure them out, but I think they are now in shape where the gentleman is correct. I have followed the bill very carefully now and very thoroughly, and I think there is no objection to them.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. Mr. President, the section of the

act which these amendments affect is not contained in the bill on our desks.

The PRESIDENT. Will the gentleman from Delaware explain.

Mr. HEYBURN. Mr. President, it looks to me like I am having trouble with another lawyer. We had this bill up for amendment last night, as the Chair knows.

The PRESIDENT. The Chair was not here last night.

Mr. HEYBURN. That is right, Mr. President, the Chair was down in York County attending to public business. The gentleman from Somerset, Senator Ealy, was in the Chair, and at that time I offered amendments. The gentleman from Philadelphia, Senator Shapiro, made some objection and, after a conference in the Attorney General's office this morning, at which time I understand they brought over a marked copy, the gentleman from Philadelphia, Senator Shapiro, is convinced the amendments do fit.

Mr. CAVALCANTE. Mr. President, some of these days we members of this body who fortunately or unfortunately belong to the legal profession are going to feel themselves hurt by this constant reflection upon the legal profession.

Now, Mr. President, the gentleman from Delaware is not arguing with another attorney at all, he is now arguing with another member of this Senate of Pennsylvania, duly elected under the Constitution to represent the people of this Commonwealth.

My objection to the present amendments is on the point of order that the section of the Act of Assembly the gentleman is here amending is not contained in the bill on my desk. The only section of the act of May 22, 1933 that it on my desk for amendment is section 3 of that act, and the amendments now introduced by the gentleman from Delaware, pertain to a section of that act which is not on my desk and I can not follow these amendments.

Mr. SHAPIRO. Mr. President, may I point out to the gentleman from Fayette that one of the amendments to this proposed bill is to amend the numeral "3" on page 1 of the bill, line 1, by changing it to section 1 instead of section 3. My recollection is that is what has happened and has resulted in the confusion. The first amendment, as I recall from last night, is to amend page 1, section 1, line 1, by striking out the words "section 3," and inserting in lieu thereof "section 1."

Mr. EDMONDS. Mr. President, may I inquire of the gentleman from Delaware whether there is an amendment to the title?

Mr. HEYBURN. There is, Mr. President.

The PRESIDENT. Does the gentleman from Fayette still wish to retain the floor?

Mr. CAVALCANTE. Certainly, Mr. President, I still retain the floor.

The PRESIDENT. The gentleman from Fayette will proceed.

Mr. CAVALCANTE. Mr. President, I still stand on my point of order because the bill, as it now rests on our desks, printer's number 563, is a bill to amend section 3 of the act of May 22, 1933.

The gentleman from Delaware has changed that line 1 on page 1, to apply to section 1. That is perfectly all right, but his amendments then do not only amend section 1 of that act of 1933, but amends other sections of

that act which are not on my desk and I cannot follow his amendments.

Mr. HEYBURN. Mr. President, I here have this marked copy. I might suggest to the gentleman from Fayette that he examine it.

The PRESIDENT. The Chair may be in error in permitting the reading of all the sections. However, that has been the custom of the Senate, in order to facilitate matters. As the Chair understands the first section, if the present amendment is adopted to the first section, that would change it and make it legal.

Mr. CAVALCANTE. Mr. President, that only applies to one section, section 1.

The PRESIDENT. The Chair recognizes the gentleman from Delaware.

Mr. HEYBURN. Mr. President, I would like first to say to the gentleman from Fayette, as well as the rest of the members of this Senate, Senate Bill No. 1308 is a very important bill, which was introduced late in the session, because Judge Soffel, of the Allegheny County Court, did not rule on this matter until a few days ago.

Mr. President, this is a Senate bill and it must be sent over to the House and I do not know whether or not the delay of one day, yesterday, has prevented the adoption of this legislation (but I am quite sure a delay of another day might do so, and I suggest to the gentleman from Fayette that he accept my word that these amendments are proper and that he examine the bill when it is printed. If the gentleman from Fayette tomorrow objects to the bill why, of course, then he can suggest further amendments. Meanwhile, I will furnish to the gentleman from Fayette a marked copy of the bill as amended.

The PRESIDENT. The Chair adheres to the position formerly stated. The Clerk will again read the amendments.

The Clerk again read the amendments.

The PRESIDENT. For the information of the Senate the amendments just read refer to Section 1.

Mr. CAVALCANTE. Mr. President, the Chair has stated that he stood on his position that the amendments referred only to section 1 of the Act of 1933, but the three amendments offered and read and inserted in the title are for the purpose of reenacting section 6, and section 6 is not on my desk, in printer's number 563 of this bill.

Mr. EALY. I do not understand, Mr. President, that there is any legal objection or constitutional objection to inserting amendments to other sections, but I wish the Senator from Fayette would allow this to go through on third reading. As I understand it, Judge Soffel has ruled that the old regulatory act was unconstitutional. That means, Mr. President, the Department of Agriculture will have no control should the ruling by Judge Soffel stand, in connection with the matter of bakery products.

I believe this case arose through the sale of noodles in boxes, which were not branded properly. When the bill was introduced the Department of Agriculture did not have a copy of the decision of Judge Soffel. That decision was later obtained and that is the reason for submitting the present amendments.

I recall during the first World War, when there was less regulation upon bakery products, that a number of bakers put almost anything into their loaves of bread,

and with this emergency coming along it would seem to me there should be some control over those products. I do not know whether I am in favor of the bill as amended or not, but I feel if this bill is to pass at all, the amendments should be inserted today.

The PRESIDENT. The Chair may not understand the point of order raised by the Senator from Fayette, but it is the understanding of the Chair this bill originally intended to amend just one section of the act.

Mr. CAVALCANTE. That is correct, Mr. President.

The PRESIDENT. Let the Chair finish his statement. It is the understanding of the Chair this bill originally intended to amend one section of the act, and now it is intended to amend another section of the act. Is that the objection of the Senator from Fayette?

Mr. CAVALCANTE. Yes, Mr. President.

The PRESIDENT. That particular point of order was raised earlier in the present session, but this is not an amendment to any section; this is an amendment to the act. The Chair ruled previously that any section of an act could be amended, notwithstanding the fact that the original bill as introduced referred to one section only. If the Chair recalls correctly, that point of order was raised in connection with amendments which were proposed by one of the departments and the matter was then referred to the Attorney General. That bill originally referred to but one section to be amended, and the Attorney General agreed with the position of the Chair, that the subsequent amendments were to the act and did not vitiate or void the bill.

The Chair will adhere to that original ruling.

And the question recurring,

Will the Senate agree to the amendments?

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole, being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 399, entitled:

An Act making an appropriation to the Treasury Department for the use of the Board of Finance and Revenue in granting refunds of "store and theatre" tax.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole, being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 510, entitled:

An Act to amend sections 504 A, 607 and 608 A of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corpora-

tions, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations, or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, register of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by providing for the taking of possession of the business and property of building and loan associations and savings and loan associations the shares of which are insured in the State Building and Loan Insurance Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole, being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 512, entitled:

An Act providing for the creation and for the administration by a State Building and Loan Insurance Board created in this act, of a state fund for the insurance of shares in building and loan associations and savings and loan associations; and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole, being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 558, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and the regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health and Secretary of Agriculture; establishing a Dairy Advisory Council in the Department of Health; conferring powers and imposing duties thereon; defining certain qualities for milk; providing for inspection of and standards for dairy farms and milk plants; providing for the administration of the act and the establishment of rules and regulations thereunder, and for appeals to the Court of Common Pleas of Dauphin County; and imposing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole, being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 598, entitled:

An Act to add section two thousand two and one-tenth to the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by

which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for cooperation with other agencies in furthering national defense programs and activities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole, being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 707, (House Bill No. 1023), entitled:

An Act prohibiting employers from directly or indirectly offering for sale selling procuring for sale having in possession or under control for sale to employes or others any merchandise not produced by employers or not handled in the regular course of employer's business providing exceptions thereto declaring such prohibited sales to be unfair competition and repealing prior inconsistent legislation

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments.

On the question,

Will the Senate agree to the amendments?

Mr. KEPHART. May I suggest, Mr. President, that this bill be not read the second time today, so that it may be printed and be before the Senators tomorrow.

The PRESIDENT. The regular orderly procedure would be to consider section by section, but where there is no objection, or the Chair assumes there is no objection, then the practice has been to vote on amendments collectively. Of course, the Chair will entertain a point of order at any time to change that procedure.

Mr. EDMONDS. Mr. President, is it the intention that we vote on these amendments now?

The PRESIDENT. It is.

Mr. EDMONDS. Mr. President, I thought the plan was to have the bill, with the amendments, printed.

Mr. KEPHART. We must vote on the amendments to have them included in the bill.

The PRESIDENT. The amendments must be adopted before they can be printed in the bill.

The amendments were again read, as follows:

Amend Section 1, page 1, line 5, after the word "production" and before the word "not", by taking out the word "or"; Amend Section 1, page 2, line 1, after the word "business" and before the word "is", by inserting the following words: "or not connected with or related to his or its trade or business"; Amend Section 1, page 2, line 2, after the word "the" and before the word "convenience", by taking out the words: "health safety morals"; Amend Section 1, page 2, line 3, after the word "public" and before the word "in" by inserting the following words: "engaged in retail business"; Amend Section 1, page 2, between lines 4 and 6, by taking out all of the words in said lines, beginning with the word "results" and ending with the word "unreasonably"; Amend

Section 1, page 2, line 7, after the word "commerce" and before the number three in brackets—" (3) "—by inserting the following words: "from persons engaged in retail business and (2)"; Amend Section 1, page 2, line 7, after the word "commerce" and before the word "constitutes", by taking out the number three in brackets, " (3) "; Amend Section 1, page 2, line 9, after the word "commerce" by inserting the following words: "as retail merchants".

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, lines 20 and 21, after the word "employes" and before the word "any", by taking out the following words: "or to any other person"; Amend Section 2, page 2, line 22, after the word "production" and before the word "not", by taking out the word "or"; Amend Section 2, page 2, line 24, after the part-word "ness" and before the word "Provided", by inserting the following words: "or not connected with or related to his or its trade or business"; Amend Section 2, page 2, line 25, by inserting after the word "candy" the following word: "beverages"; Amend Section 2, page 2, line 26, after the word "tobacco" by taking out the word "or"; Amend Section 2, page 3, line 1, after the word "employes" and before the word "and" by inserting the following words:

"(3) equipment or machinery which has previously been used by such person, partnership, corporation or association in the conduct of his or its business or

(4) goods of use in the furtherance of his or its trade or business or connected therewith or related thereto"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section was read,

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 3, page 3, line 21, after the word "production," by taking out the word "or"; Amend Section 3, page 3, line 23, after the word "business" and before the word "is", by inserting the following words: "or not connected with or related to his or its trade or business"; Amend Section 3, page 3, line 24, after the word "thereby", by inserting the following words: "Such action shall be in equity by injunction only and no damages shall be assessed".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The fourth, fifth and sixth sections of the bill were read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 3 of the title, after the word "employees" by taking out the words: "or others"; Amend title, page 1, line 4 of the title, after the word "employers" and before the word "not", by taking out the word "or"; Amend title, page 1, lines 5 and 6 of the title, after the word "business" and before the word "providing," by inserting the following words: "or not connected or related to his or its business".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill as amended having been read at length the second time.

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. KEPHART. Mr. President, I ask unanimous consent that Senate Bill No. 707, (House Bill No. 1023), on second reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. CAVALCANTE. Mr. President, before the bill goes over in order, I desire to interrogate the gentleman from Luzerne, Dr. Mundy.

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MUNDY. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, when this bill was before us last week I understood, in substance, the gentleman from Luzerne to say that because I made remarks in opposition to this bill that I had ceased to be the champion of the little man and had become the godfather of the vested interests. Am I correct in that?

Mr. MUNDY. I will say the gentleman is correct, Mr. President.

Mr. CAVALCANTE. Mr. President, I want to defend myself against that reflection, at this time before this bill goes over, and now read from the bill in its condition as it appears in Printer's No. 1045, as it was before us last week. On page 2, section 2, the bill provides:

"No person, partnership, corporation or association engaged in any business or trade in this Commonwealth"—I hope the gentleman from Luzerne is following me.) "shall by any method or procedure directly or indirectly by itself or through a subsidiary agency sell or procure for sale or have in its possession or under its control for sale to its employees or to any other person any article, material, product or merchandise of whatever nature not of his or its own production or not handled in his or its regular course of trade or business."

Then, at that part of the section appears the first exception, or proviso: "Provided, That this section shall not apply to the sale or distribution of (1) meals, candy, cigarettes, cigars, tobacco or (2) tools and material used or worn by employees in such trade or business or appliances and products which are used and worn by employees and are or may be beneficial to the safety, health and working conditions of such employees."

Then, Mr. President, at that place appears the second exception, which reads as follows: "And provided further, That the provisions of this act shall not apply to co-operative associations organized under the laws of this Commonwealth."

Then, Mr. President, comes the third exception, a tail so large that the rest of the body of the bill is—and I want the gentleman from Luzerne to pay particular attention to it: "And provided further, That nothing herein contained shall be construed to prohibit or prevent any person, firm or corporation engaged in any industry, business or trade from owning and operating either directly by itself or through any agency or subsidiary a bona fide store or stores for the sale of goods to his or its employees and others."

Will the gentleman from Luzerne, Dr. Mundy, tell us who that particular exception excludes from the provisions of this bill?

Mr. MUNDY. Mr. President, I think the gentleman from Fayette is discussing some of the amendments that were placed in the bill by the Senate. I ask if we were discussing amendments placed in the bill in the Senate?

Mr. CAVALCANTE. I am, Mr. President, because this last exception or provision in the bill apparently was inserted by the Senate after the bill came to the Senate from the House. I want to be fair to the gentleman from Luzerne. I feel that those remarks made by him last week were made without him having knowledge that the committee that reported this bill out in the Senate attached that exception, which reminds you of an animal whose tail is six or seven or a hundred times longer than the animal. That is what this bill is in its present form. This exception to it is, in substance this, that no person, partnership, corporation or association shall do a particular act, and then section three says the bill shall not be construed to apply to any person, firm or corporation that has a bona fide store. In other words, it is like passing a bill making an act unlawful and then saying in a provision that this bill shall not apply to any resident of the Commonwealth of Pennsylvania.

Now, Mr. President, this second exception that I have read excludes from the provisions of this bill certain individuals, and I am wondering whether the gentleman from Luzerne, Dr. Mundy, knows what persons, firms or corporations this particular provision excludes from the provisions of the bill.

Mr. MUNDY. Mr. President, I might say to the gentleman from Fayette that one of the amendments put in there, and I was thoroughly familiar with it, was put in for the specific purpose of protecting the mining industry, in which I think the Senator himself is very much interested, due to the fact that the operators have sold to miners hats and helmets and materials with which they work.

Mr. CAVALCANTE. I think then that the gentleman from Luzerne agrees with me that this excludes big

business, the bill does not apply to big business? Not only does it exclude mining companies that he represents, and I represent, but it says that nothing herein contained shall be construed to prohibit or prevent any person, firm or corporation engaged in any industry, business or trade from owning and operating stores wherein they can sell to their employes and other persons.

With that exception in the bill, will the gentleman from Luzerne kindly tell us to whom the bill applies?

Mr. MUNDY. Mr. President, I do not see anything in the bill that says a coal company could sell its employes a piano or an automobile or anything else; it simply states they could sell to them materials they need to use in the industry in which they are engaged.

Mr. CAVALCANTE. That is correct, Mr. President, but will the gentleman from Luzerne permit himself to be further interrogated?

Mr. MUNDY. I will, Mr. President, gladly.

Mr. CAVALCANTE. Does not the exception also exclude from its provisions other industries, other businesses and other trades, besides the coal mining industry?

Mr. MUNDY. I do not so interpret the bill.

Mr. CAVALCANTE. Then, Mr. President, what do the words mean, "that nothing herein contained shall be construed to prohibit or prevent any person, firm or corporation engaged in any industry, business, or trade?"

Mr. MUNDY. Mr. President, the gentleman, of course, is confusing the issue by reading a portion of the bill and not reading the bill in continuity. To point to any section or extract of a section sounds very well, but if the gentleman will, if he cares to, start at the beginning of the bill and read it all the way from beginning to end, instead of taking some extract, that makes a nice false basis on which to build up a beautiful logic, I will be glad to have him read the whole bill.

Mr. CAVALCANTE. That is all. Thank you, Dr. Mundy.

Mr. President, I was hoping the gentleman from Luzerne would have seen the error of his remarks made last week, but apparently he wishes to adhere dogmatically to them, and for that I am not going to quarrel with him, but I wish to state at this moment that it is the gentleman from Luzerne who is interested in the protection of the vested interests and not me, because this exception to the bill specifically excludes the vested interests and applies only to the little country store and the little independent retailer on the street corner, and I doubt very seriously whether it applies to him now, with this exception which excludes everybody from the provisions of the bill. It is a bill that first says you can not do this act, and then someone attaches a tail to the bill that is about a hundred times larger and more powerful than the bill itself.

Mr. MUNDY. Mr. President, may I interrogate the Senator from Fayette?

The PRESIDENT. Will the Senator from Fayette permit himself to be interrogated?

Mr. CAVALCANTE. I will, Mr. President.

Mr. MUNDY. May I ask the Senator from Fayette—he is familiar with the old-fashioned company store, about which he has now spent about fifteen minutes eulogizing or talking about—if he knows of any time within his knowledge that his old store, on which there is an exception, has refused to sell anything to the

public generally, in a mining settlement, at the same price as they sold to their own people?

Mr. CAVALCANTE. Mr. President, I will answer the gentleman from Luzerne in these words. As far as the bituminous coal mining districts of this state are concerned, they do not need this bill, because at the present time we still have those stores that probably the gentleman from Luzerne remembers were called the "pluck me" stores, and in the western part of this state, through Fayette, Westmoreland and Washington counties, the United States Steel Corporation has a subsidiary, the Union Supply Company, which maintains a company store, as we call them, at every coal plant, and they have conducted that business for years and years. This particular bill does not affect them at all, because they are too big, they are too powerful—it is the United States Steel Corporation. This bill, as it is drawn up now with these exceptions, excludes the United States Steel. I imagine they are not the vested interests the gentleman referred to last week, and applies only to the small, independent grocer or retailer in all of the bituminous coal fields. They can not do what this bill permits the United States Steel Corporation to do.

Mr. MUNDY. I still think maybe I am obtuse and I do not know whether I can grasp this situation properly, but the point the Senator seems to want to drive home is that he still remains the champion of the common people. Will the Senator be content with the fact that I have only stated that he wandered from the beaten path on one occasion, and this is the specific occasion, and that I still think within his heart and his mind and by experience, he really is and wants to be the champion of the common people.

Now, Mr. President, if the Senators will indulge me a moment and the Chair will grant me permission, I would like to read into the record—since this bill is under discussion—a few facts relative to this bill.

The PRESIDENT. With reference to Senate Bill No. 707?

Mr. MUNDY. Yes, Mr. President.

The PRESIDENT. If there is no objection, the Senator from Luzerne may proceed.

Mr. MUNDY. Mr. President, I will request the Senator from Fayette, as he requested me, to pay very careful attention to the remarks that I am going to make.

Those of us who ask the Pennsylvania Legislature to enact House Bill No. 1023 are not motivated by a selfish attempt to secure perpetuation of any system of distribution nor do we ask to alter the trend of evolution in this important phase of the nation's economy. We are interested in stopping those acts and trends which, allowed to go unchecked, would undoubtedly scuttle our major system of distribution.

It has become an American axiom that in open competition, the lowest costs and prices will be reached, and that our economy exists for the public and not the public for the economy. Our distribution system must be sound, and if in time consumer cooperatives or government owned distribution should prove that it can care for the needs of the public at a lower cost than retailing, then such a system of distribution should be afforded the protection we now ask for retailing.

The American consumer relies upon retailing to obtain for him what he wants, when he wants it, at the lowest possible price, and in order for retailing to do so, it must have the cooperation of the consumer to bring out

into the open the semi-secretive, non-competitive, and therefore un-American methods which strike at the very foundation of our economy and affect the virility of all those who compete openly for American markets.

During the past ten years, our distribution system has been beset by many ills, not the least of which is the alarming competition that has arisen from curbstome brokers, wholesalers who sell at retail, and large industrial organizations who offer employees discount privileges. These three aforementioned non-competitive forces perform none of the functions of retailing, which we Americans have come to believe to be fundamental services upon which a country wide distribution is based, namely:

1. Available Inventories
2. Display
3. Demonstration
4. Delivery
5. Servicing
6. Financing

At first, these "discount outlets" were in the nature of a nuisance, but in the last couple of years, the total business of the non-retailer began to play a very important part in the total buying of practically every item sold by retailers. A national retail association recently disclosed information obtained from a survey conducted in metropolitan Boston by Gerald B. Tallman, a professor at Harvard University, whose findings were published in the Harvard Business Review; such survey disclosing that in the area covered, "the total retail sales volume was \$600,000,000. About \$450,000,000 of the total retail sales were made by food, general merchandise, apparel, restaurant, and other retail stores that are not bothered much by the problem herein considered. For the kinds of business represented in the remaining \$150,000,000 sales, it is reasonable to believe that sales at a discount may have been equal to from \$8,000,000 to \$10,000,000, or from 5% to 7% of the total sales in these latter businesses."

This disclosure prompted Pennsylvania Retail Groups to investigate conditions in this State, and it was found that because of the highly industrial nature of Pennsylvania, this percentage is much higher. Pennsylvania had a retail sales volume of approximately \$3,600,000,000. About \$2,000,000,00 of the total retail sales were made by retailers not affected by these discount problems. For the business represented by the remaining \$1,600,000,000, it was discovered that about \$192,000,000 sales were made at a discount, and of this \$192,000,000, about \$109,000,000 was sold by large industrial organizations to their employees at a discount.

In discussing House Bill No. 1023, we are particularly interested in the \$109,000,000 figure. This amount to a difference between profit and loss to many smaller retailers and does not always amount to a savings to the consumer. We found that in many cases, standard price articles are used as "bait." As for instance, a \$50 radio advertised nationally at such price may be offered at a 40% discount, but when items that do not carry a uniform standard price are sold, the price very often is from 10% to 50% higher than the price retailers obtain.

It would be false, of course, to state that the average savings to this "special class" is nil. There is an average savings of approximately 15%. This means that this \$109,000,000 figure would grow to \$125,350,000 in retail sales and this lends itself to an interesting observation.

In Pennsylvania we have a Mercantile Tax Law levying a $\frac{1}{2}$ mill tax on the gross volume of a wholesaler and 1 mill tax on the gross volume of a retailer. Employers who offer their employees the privilege of buying at a discount are classed neither as wholesalers nor as retailers, therefore making no return to the State, and as a result pay no tax. The wholesaler who sells at retail pays a tax upon his retail sales at the same rate as he does for his wholesale business. This naturally means a loss to the State in much needed revenue. Taking the \$192,000,000 sales diverted from retailing and adding 15% discount that we admit the "special class" saves, this would mean an added volume to retailing of \$220,800,000, thereby enabling the State to collect additional taxes. As the situation now stands, the Mercantile Tax Division of the Department of Revenue is unable, though willing, to keep a constant check on manufacturers and wholesalers who sell at retail in order to collect the true amount of taxes due the State, and the result is that the State collects only an estimated \$42,500 on these diverted sales, whereas, it should collect approximately \$221,000. This is definitely not the fault of the authorities in charge of the collection of this tax. They have been very cooperative and even anxious to obtain information of this leakage, but it would be humanly impossible to check on thousands of discount outlets without increasing the cost of collection to such an extent that nothing would be left for the State.

Another phase that lends itself to consideration is who saves this 15%. It is the low income group that is able to better itself and its living conditions by obtaining a 15% discount on their purchases? It is not. A survey, made by Gene J. Guttman of the Wharton School of Finance and Commerce of the University of Pennsylvania, disclosed that 8% of discount purchases are made by the lower income groups, 36% by the middle income groups, and 56% by the higher income groups. We therefore must conclude that if this unfair, un-American method of competition were stopped, it would not affect the standard of living of the greatest majority of our people. We believe that our economy must be geared for the greatest good for the greatest number.

Information released by the United States Department of Commerce, Bureau of Census, revealed that in 1939, Pennsylvania had 134,543 retail stores, representing an active proprietorship of 125,532, and employing 348,390 people. Comparing the number employed by retailing in 1939 with the number employed by the same group in 1929, we found that there are 16% less people employed by retailing now than there was in 1929. We submit that this is due entirely to the fact that the \$220,800,000 retail sales volume has been diverted from regular retail channels. The Bill under consideration here would undoubtedly bring back most of the \$109,000,000 diverted by industrial sales, thereby enabling retailing to expand, thereby bringing down the cost of distribution, and effect a savings of millions of dollars to the consuming public. We further submit that in such expansion, more people would have to be employed by retailing, and that the 16% unemployed now as compared with 1929 would be easily absorbed, and the need for additional help, because of the Wage and Hour Laws, would soon become apparent.

If the situation herein under discussion, however, is allowed to run rampant, it will grow like a leech upon

our economy and the following important results are immediately discernible:

1. There will be empty stores in every city and town.
2. There will be decreased public demand for transportation to downtown and shopping centers.
3. Real estate values will fall and everyone owning property will suffer.
4. Power consumption will drop.
5. The tax income of the community will be drastically curtailed.
6. The actual volume of distribution will immediately suffer and mills will slow down.
7. All the advertising on earth will be unable to stem the downward spiral because advertising is built on the axiom that it is a support for and not an alternative to a strong retail stores system of display and distribution.
8. There will be more jobless in every branch of private and public enterprise and consequently more social unrest.

Once this spiral should get well started, it would be difficult to stage a revival because these trends will, unless drastically reversed by the conscious demand of society, be of a permanent rather than a temporary measure. We will continue to have the scientific knowledge which will make increased and more efficient production possible, but we will be less able to take care of what we produce and to see that it is quickly and efficiently promoted, advertised, sold, and consumed.

We admit that the retail store is imperfect, but whatever shall replace it must unquestionably fill everyone of the functional requirements which retailing now meets. Nothing must be eliminated—Nothing can be eliminated; and until the American public finds a suitable substitute for retailing, it would be economically unwise to allow retailing to get into such a position that it would adversely affect our whole economy.

It is peculiar that retailing cannot make arrangements with railroads, banks, and manufacturers, for employees of retailers to borrow money from the banks at a discount, obtain transportation from the railroads at a discount, or buy manufacturer's products at a discount, simply because such a person is employed by a retailer, and yet banking, transportation, and manufacturing is more dependent upon retailing than retailing is upon them, and yet these same groups feel that simply because they are large operators, retailing should allow discounts to their employees. They forget that each consumer is a worker or dependent upon a worker, and that if these workers who are employed by retailing are eventually forced out of their jobs, their business too will be affected. We feel that retailing is rising in justifiable protest at these trends, and therefore, we respectfully urge that, in the interest of the well-being of the people of this Commonwealth, House Bill No. 1023 should be enacted without controversy.

Mr. EDMONDS. Mr. President, the interesting address of the Senator from Luzerne quoted from a publication by a member of the faculty of the Wharton School. Can the gentleman from Luzerne tell me who wrote that report, and if he has a copy of it, I would like very much to examine it. I think those figures are very helpful.

Mr. MUNDY. Mr. President, may I say to the Senator from Montgomery if he is interested I will furnish him a copy within the next day or two.

Mr. EDMONDS. Thank you very much.

Mr. CAVALCANTE. Mr. President, I would be very much pleased also if the gentleman from Luzerne would tell us, when the bill comes up again, just what is the average wage of the poor boys and girls that are employed in these little retail shops at every street corner and out in the country, to see whether their wages of twelve or thirteen dollars a week will permit them to pay the prices for many conveniences we modern people enjoy today. I wish the gentleman from Luzerne would give that a little thought, and see whether he would begrudge a girl, earning thirteen dollars a week in these retail shops, that little discount the employer allows them in order that they may enjoy many of the conveniences they would not otherwise be able to enjoy.

Mr. MUNDY. Mr. President, I still say I can not follow what I consider an absolute perversion of facts as presented. If I wanted to build up an argument, I could start out here on a false illogical basis and deliver a beautiful oration, if I were permitted, from that improper start. The thing I object to, with the Senator from Fayette, is the fact that he makes a statement of fact which is not founded on fact, and then builds up a beautiful oration from that false basis. There has been no objection from those people about whom he lays awake at night and worries and frets so diligently. There are others of us here in this Senate who possess at least some responsive heart, and some responsive mind to the interests of the down-trodden individual. I do not think the Senator from Fayette can claim to have a corner upon all the sympathy and all the kindness and all the generosity in the world, but if he still persists in putting across the opinion he still remains the outstanding champion of the down-trodden and the common people and an advocate of this vast cause of democracy, I shall not deny the Senator the pleasure of enjoying that title, and without further adieu I confer upon you, sir, the gentleman from Fayette, the title of outstanding champion of the down-trodden common people.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 171, entitled:

An Act to further amend subsection (a) of section five hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of account and appeals to the courts, refunds of moneys erroneously paid to

the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; effecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

Senate Bill No. 263, entitled:

An Act to establish a system, uniform throughout the Commonwealth, for the compensation of witnesses, regulating the amount, payment and taxation as costs thereof, and repealing inconsistent legislation.

Senate Bill No. 401, entitled:

An Act repealing and abandoning as a State highway, State highway route 15181 in Chester County; and providing for the reversion thereof to the township.

Senate Bill No. 459, entitled:

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this Act.

Senate Bill No. 463, entitled:

An Act to amend sections one and three of the act, approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 478), entitled "Conferring authority on the Department of Highways, or any county or township to enter upon private property adjacent to any public road of highway, and place thereon snow fence, between November first and April first of the succeeding year providing the method of ascertaining damages and payment by same by the authorities responsible for the maintenance of said public road or highway to the owner of the adjacent property; and repealing certain acts," by including the Pennsylvania Turnpike Commission.

Senate Bill No. 465, entitled:

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages.

Senate Bill No. 484, entitled:

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways.

Senate Bill No. 508, entitled:

An Act to amend section two thousand three hundred twenty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and offices; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative

officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by authorizing the State Council for the Blind to furnish certain aids and services to needy blind persons or persons with impaired vision for the purpose of restoring or improving their vision, and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose.

Senate Bill No. 806, entitled:

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating sabbatical leaves for certain school employes.

Senate Bill No. 934, entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor

Senate Bill No. 1040, entitled:

An Act to further amend section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," giving preference to application for admission of sons of persons who served during any war in which the United States shall have engaged.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 774, (House Bill No. 1282), entitled:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 890, (House Bill No. 139), entitled:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of the peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen

On the question,

Will the Senate agree to the bill on second reading?

Mr. SHAPIRO. Mr. President, I was very much alarmed yesterday by the statement of the gentleman from McKean that this bill would pass this Senate. I am not so much concerned about the amendment conferring additional jurisdiction upon the magistrates and aldermen as I am upon the fact there is an additional amendment to this bill which strikes out the word "magistrate" from the jurisdiction conferred by the original act of 1879. The original act read:

"Section 1. Be it enacted, etc. That the aldermen, magistrates and justices of the peace, in this Commonwealth, shall have concurrent jurisdiction with the courts of common pleas of all actions arising from contract, either express or implied, and of all actions of trespass," and so forth.

Mr. President, this amendment as it reads is that the alderman and the justices of the peace shall have that jurisdiction but not the magistrates. That means the present jurisdiction of magistrates in Philadelphia will be reduced to what is now the amended portion of the act, and if that is declared unconstitutional we will have our magistrates and we will be paying them salaries and they will have no duties to perform, excepting possibly criminal cases that might come before them, unless this bill in some other section includes criminal jurisdiction, I do not know—but in order to protect against that contingency I am offering the following amendment to the bill, the effect of which is to strike out the brackets from around the word "magistrate" and restore the word "magistrate" to the bill.

"Amend Section 1, page 2, line 4, by striking out before and after the word "magistrates" the light faced brackets."

Mr. BECKER. Mr. President, may I interrogate the Senator from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. Certainly, Mr. President.

Mr. BECKER. Am I correct, Mr. President, that in Philadelphia the jurisdiction of magistrates and the Municipal Court in civil actions, for damages up to three hundred dollars is concurrent?

Mr. SHAPIRO. That is correct, Mr. President.

Mr. BECKER. I desire to further interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be further interrogated?

Mr. SHAPIRO. Yes, Mr. President.

Mr. BECKER. Does the gentleman from Philadelphia happen to know why this word "magistrate" was eliminated from this amendment?

Mr. SHAPIRO. Well, Mr. President, all I know is that yesterday on the floor of this Senate somebody interested in this bill—whom I do not know—asked me my objection to the bill, and I explained it to him, and he suggested that was so but they could take the cases to the Municipal Court. In other words, we have a Municipal Court in Philadelphia and this gentleman wants to load the Municipal Court with five and ten dollar cases, which are now brought before magistrates, and which will of necessity now be brought before the Municipal Court. That is apparently back of the amendment to take the jurisdiction of magistrates away in these cases.

Mr. BECKER. Mr. President, I happen to be very much interested in this bill and I am also very much interested in this amendment, as I think it is a good amendment, and I ask my colleagues to vote to support the amendment.

Mr. THOMAS B. WILSON. Mr. President, I am very much not interested in this bill, but I think the amendment is a proper amendment and before we get to any of the clauses in the bill I think it is very proper to adopt this amendment. I agree with the gentleman from Lebanon it is a proper amendment and should be adopted.

On the question,

Will the Senate agree to the bill?

The first section of the bill was read.

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

"Amend Section 1, page 2, line 4, by striking out before and after the word "magistrates" the light faced brackets."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

AMENDMENTS OFFERED

Mr. STIEFEL. Mr. President, I offer the following amendments.

The amendments were read as follows:

Amend title, page 1, by striking out in lines 6 and 7 the following: "further enlarging the jurisdiction of justices of the peace and"; Amend section 1, page 2, by striking out in lines 14 and 15 the following: "arising from claims for damages recoverable at the common law in actions"; Amend section 1, page 2, line 16, by inserting before the word "tover" the following: "and of"; Amend section 1, page 2, line 16, by striking out the following: "or trespass on the case"; Amend section 1, page 2, line 17, by inserting after the word "existing" the following: "between such actions."

On the question,

Will the Senate agree to the amendment?

Mr. BECKER. Mr. President, I object to these amend-

ments, and in support of my objection, I desire to make a very brief statement in connection with this bill.

The PRESIDENT. The gentleman from Lebanon may proceed.

Mr. BECKER. Mr. President, this bill is now on second reading, and in view of the fact that what I shall have to say in connection with these amendments might again become pertinent on third reading, if the bill reaches third reading, I therefore desire that what I shall have to say now be deemed to have been said on third reading of this bill, if it gets to third reading.

There has been much controversy over this little bill. I should not say it has been one of the most important pieces of legislation proposed in the General Assembly, that is, at this session; at the same time I think there is a question here that is of importance to a certain class of litigants in the State of Pennsylvania who are entitled to consideration.

There is a legal question involved in this bill. My colleague, the distinguished Senator from McKean, Senator Wilson, has interested himself very seriously in the legal question involved, and I should not like to disagree with him too seriously, lest I might come off second best. However, I think there is also a practical question involved, and in order to state the practical question it is necessary to state very briefly and as simply as possible the legal question.

Under the common law forms and pleadings which we have had for many years in Pennsylvania, there have been terms of technicality in our litigation, of which this proposed Act of Assembly involves two. One is trespass and the other is trespass on the case.

In order as briefly and as clearly as possible to define the difference between these two terms, I might say that if this morning, as I was driving my automobile to Harrisburg, sitting at the wheel, I hit a pedestrian, in view of the fact that the cause of the collision was direct and occasioned by myself, the trespass in law is presumed to be a direct act, and in those cases the Act of Assembly to which this proposed amendment is introduced would apply, and the pedestrian whom I struck, if I were responsible in damages for the collision, could recover.

There is another type of accident in which, if, for instance, this afternoon while I am here in the Senate Chamber, someone driving my car under my direction or in my employ were to hit a pedestrian and cause injury, and the pedestrian were to seek a remedy against me, he would be obliged to bring his action in an action of trespass on the case; consequential damages, as we call them in the law, because the injury arose in consequence of the fact that I permitted somebody else or directed somebody else to drive my car.

The jurisdiction of aldermen, magistrates and justices of the peace at the present time, in cases of direct trespass, is fixed at a maximum of three hundred dollars. This proposed amendment to the Act of Assembly brings in the jurisdiction of magistrates, aldermen and justices of the peace in actions of trespass on the case to three hundred dollars. The argument will probably be made that it is unsafe to entrust to the minds of the minor judiciary, not learned in the law, the difference between an action of trespass and an action of trespass on the case, but that is not the question involved in this proposed legislation.

If this amendment is adopted that question will drop

out, and magistrates, aldermen and justices of the peace will have jurisdiction in all of these cases, as I contend they should have, for the reason that it seems unwise and an unnecessary burden upon our courts of record to have them try all of the accident cases which arise at the present time.

Thus, if I become the victim of a reckless driver and it so happens that the trespass was not direct but was occasioned by someone on his behalf and he is financially irresponsible, and the action is in trespass on the case, and the bill is \$45.50, I have no remedy before the minor judiciary to collect the \$45.50, but I am obliged to incur counsel fees and the greater costs of filing fees with the prothonotary of the court of record and with the sheriff for making service of the writ, so that the cost of my remedy under those circumstances is almost prohibitive.

It will be stated in opposition to this bill that unfortunately in so many cases brought before justices of the peace that eventually the judgment is for the plaintiff—so that it is sometimes facetiously said among lawyers that J. P. stands not for justice of the peace but judgment for the plaintiff. I say in answer to that, first, I am not willing to admit that the minor judiciary in Pennsylvania is not administering justice as it should be administered. If they are, then they should be continued. I am not willing to label them as being incompetent to perform the duties the law assigns to them.

On the other hand, I do say if we take this class of cases and keep them out of the hands of the minor judiciary—for the reasons I have stated a few minutes ago, because of the amount of these small claims—and impose that duty upon legitimate claimants for damages against irresponsible tortfeasers, then, by reason of the fact that they can not afford to bring suit on account of the costs involved, we might as well say, on the other hand, that at the instant of the collision there is judgment for the defendant, so I say, in support of this bill and in answer to the statements that will be made, that in all cases before magistrates and the minor judiciary, if judgment is likely to follow for the plaintiff, so do I say that in most instances, if we lack a quick expeditious jurisdiction and procedure to collect these small claims, that we might as well say in the first instance that judgment is for the defendant.

There is another very important reason in this day and generation why I think this jurisdiction should be conferred upon this minor judiciary. We have a great many of these automobile cases, particularly at the present time, in which the amount of the claim is under three hundred dollars, and in many instances, where the parties involved and responsible for damages are not irresponsible and are insured, they are represented by insurance companies, and there is no one better trained and in possession of better knowledge of the fact that they have the weapon and defense of forcing an honest and legitimate claimant into the Court of Common Pleas, where the expense is greater and the costs are greater, than insurance companies in defending these claims. I think there is not anything in the way of legislation of this type—in view of what has been said this afternoon about a champion of the common people by the distinguished Senators on the other side—I do not think there is any legislation that we could pass in this session of the General Assembly that would serve a more useful purpose for this class of litigants who find themselves in a situation where they have a small number of dollars

involved and the cost of prosecuting their claims in the Courts of Common Pleas is prohibitive.

On second reading, and I hope on third reading, I ask my colleagues to vote for this bill with the Shapiro amendments, and on second reading I ask my colleagues to vote against the amendments offered by the gentleman from Philadelphia, Mr. Stiefel.

Mr. COX. Mr. President I stand shoulder to shoulder with my friend from Lebanon, Senator Becker, in his support of this bill, with the Shapiro amendments. I want to congratulate him on the fine manner in which he has explained the importance of this bill to the average man.

There is much that could be said relative to the legal history of our jurisprudence system in Pennsylvania, but this is not the time nor the place for that.

I know from my practical experience as a lawyer, and I know from my experience as a member of the community, that one of the most important of all our judicial offices is that of the minor judiciary. I have noticed, in years gone by, frequent attacks on the minor judiciary and those attacks have been occasioned for the most part not because a great majority of the minor judiciary failed to do their job in a fair and equitable manner but because, just as in every other vocation and just as in every other profession, there have been a few people who have taken advantage of the situation, and for that reason have cast disfavor on the rest of the members of their profession.

The minor judiciary is the poor man's court. The magistrate or the justice of the peace is well acquainted with the people in his community and many times simple matters can be brought before him and they can be settled without any great expense, either in money or in time.

This question of distinction between trespass and trespass in the case, and many other forms, we learned when, in law school, has come out of the past, it is a by-product of the English system of law which we inherited in this Commonwealth.

There are many, many cases in our Commonwealth, in our courts, in which the courts have held that justices of the peace do have jurisdiction in cases of trespass in the case, but there are other lists of cases which have held justices of the peace or the minor judiciary do not have that power or that authority. There is no reason in fact why he should not have it; there is no reason for that distinction.

I feel if the members of the Senate support this bill, with the Shapiro amendments, they will be doing something that is truly good for the small man.

One of the big difficulties in the practice of law is that the cost of justice is too high. If a person is obligated to you for a small amount, as an example we will say ten dollars, you are in no position to go to a lawyer and enter suit in the Common Pleas Court, and a result of that fact, many times when an injustice has been done there is no remedy provided.

I might also cite as an example, supplemental to the example given by my friend, the gentleman from Lebanon, Senator Becker, a situation such as this, if I were to throw a wrench at you and hit you, that would be direct trespass, and if the damages did not exceed the sum of five hundred dollars, you could go before a mem-

ber of the minor judiciary and you could enter suit, but if I were to place the wrench on the window sill of my hotel and the wind would blow that wrench off the sill and it should fall and strike you while passing below, in the street, you would have no recourse before the minor judiciary. It is a technical matter and it is rather difficult in a limited time to attempt to explain it, but I feel that every lawyer in the Senate agrees with me, even my friend from McKean, Senator Wilson and I sincerely urge you to support this bill.

Mr. THOMAS B. WILSON. Mr. President, I have been somewhat surprised at the arguments made for this bill. They have been conducted in entirely too narrow a range, and that is because the question is not limited to automobiles.

If this bill passes in its present form it will give aldermen and justices of the peace jurisdiction to try any case in which anyone has failed to perform their duty to someone else. That is a jurisdiction that has never been given to a judge in Pennsylvania. Our Common Pleas judges do not have the right to fix the amount of damages in a damage case.

Under the laws of Pennsylvania, as they have come down and been worked up by the members of the legal profession, we sometimes take judgment on the pleadings in damage cases. In other words, we get a judgment that the defendant was negligent in the manner the plaintiff asserts and that he is liable to the plaintiff, but when we get that, the court can not fix the amount of damages, the Common Pleas Court can not fix the amount of damages; he has to call in a jury to fix them.

These matters are not an assistance to the poor, they are a detriment to the poor, and it is a surprising thing to hear on this floor the argument that this bill will help the poor.

A man that has means and who is sued before a justice of the peace can take an appeal and have his case decided before a jury under the instructions of the court, but the poor man that these gentlemen stand here to defend has either to give bail, real estate bail in double the amount of the debt, interest and costs, or he has to give bail for the costs that have ensued and will ensue and pay the costs up to date.

Let me make myself plain. If a poor man is sued for one hundred and fifty dollars and a judgment is recovered against him before an alderman or a justice of the peace, in order to get that tried in a Court of Common Pleas before a jury he has to give bail, real estate bail, either in double the amount of the debt, interest and costs, or he has to give bail for the costs that have ensued and will ensue and to pay the costs up to date, and I say to you this bill will put the poor man of Pennsylvania where his case will be tried before a justice of the peace and where he can not take an appeal, and where he will have to have his matters decided by a man who three months before was wheeling a wheelbarrow in a brick yard or carrying a hod, and I submit to the members of the Senate that is absolutely unfair to say to the poor man of Pennsylvania, you shall have your case tried before a man whose only qualification is that he got more votes than somebody else in the election.

Now, Mr. President, I want to say this to the Senate of Pennsylvania, that I do not expect to change anybody's vote in this Senate. I am asking the indulgence

of my colleagues in the Senate, because I feel strongly on this matter. I do not think, I am sure, there is not any member in this Senate, unless it is my beloved colleague, Senator Henry I. Wilson, who has any justice of the peace experience that approaches mine, because I come from a generation when we studied law in an office before we went to law school; after that I became a district attorney and I think that I know justices of the peace. They are my friends, and whether I oppose this bill or not, I think I will have the support of the justices of the peace of my community.

This bill has two reasons for passing. One has been expressed by the gentleman from Lebanon, Mr. Becker, that it will remove little trivial cases from the Courts of Common Pleas of our counties. God forbid the day will ever come in Pennsylvania when the small case, when the poor man's case that involves one hundred or two hundred dollars will be a nuisance on the dockets of the courts of this Commonwealth. The purpose of the courts is not to try cases involving large sums of money, but rather to hear the causes of the poor and give them relief when they are in distress. You are committing these cases, involving small amounts of money, the poor man's litigation, to the custody of men with no training and with no knowledge of the law.

May I say this to the Senate, I say again I do not expect to influence or change a vote upon this bill, but I speak because these matters are matters of deep conviction with me.

This does not only include automobile accidents; this trespass on the case goes back five or six hundred years before the automobile was dreamed of. May I ask the Senate of Pennsylvania how a justice of the peace will determine when a car driven by a daughter or by a wife is used in the family business and when the owner of the car becomes responsible; how and under what process a bricklayer or a hod carrier can determine whether or not, when I have a property and somebody falls on the property, whether or not I am responsible, whether or not my duty to that man has been performed, and when I begin to be responsible to him.

The gentleman from Lebanon, Mr. Becker, has very properly mentioned something which he knew—and I bow to his adroitness and his cleverness in mentioning it—the fact that we commit the poor man to a tribunal where causes are tried and are decided on whether or not the judicial officers shall receive money or not. If we had a judge that was financially interested in a case before him, if we had a jurymen who was interested in a case, he would be thereby disqualified from hearing that case but it has been notorious in Pennsylvania, as Senator Becker has almost admitted—he tried to anticipate, and properly tried to anticipate, what I was going to say—that every justice of the peace is interested in the costs in a case and he has to decide it. If he was not, he would not be human. If a judge or if a jurymen were financially interested in that transaction, he would be prohibited from trying that case.

Mr. President, I think these gentlemen who are advocating this bill have overlooked one thing that is quite serious. They do not realize that a man of means, a man of property, will be sued on these transactions, and litigation will grow by leaps and bounds in Pennsylvania, because these damage cases, which they would take to

members of the bar and which they could not recover on, will be brought in before a justice of the peace and judgment obtained before that justice of the peace, because of one thing and nothing else, and that is under the law of Pennsylvania when a judgment is obtained against you, and you do not satisfy it, you can not get another automobile license without performing conditions that almost nobody can perform, and the poor man who can not take an appeal, who can not give bond in double the amount of the debt, interest and costs, will have a restriction placed upon his right to obtain an automobile license. But back of all of this and away beyond this with me is the fact that we have never given the poor man with a small cause over to the control of unlearned judicial officers who have an interest in the disposal of those cases. You are taking and putting the poor man in a position where he can not pay the costs and if he is ignorant and the matter is small and he does not get a lawyer to take an appeal, they will have final judgment against him, and a few days after that a constable will levy on his furniture, and while under the law he is entitled to three hundred dollars exemption, I know from very sad experience that it is a very difficult thing to get a constable to set aside that three hundred dollars exemption when a poor man's property is levied upon.

Mr. President, this is a miserable bill, this is a bill that commits you to the custody of people with no training and no thought of what they are doing and with no possible way in which they can determine what the rights of people are. It is not only in connection with automobiles. Do you know, if by any stretch of the imagination a justice of the peace can tell you that you play your radio too loud or too soft, or that you have your sidewalk too slippery or not slippery enough, there will be an action against you for it.

I ask the members of this Senate how a justice of the peace will determine whether or not that ice on your sidewalk has been there long enough, or that the owner of the property knew or should know that ice was there and in bad condition. It is the general supposition in Pennsylvania that if you fall on a sidewalk, the owner or the city is responsible. That is not the law; that is justice of the peace law. It is only when the owner of that property has been guilty of negligence in failing to perform his duty, and it has stayed there so long that the owner should know, or did know or should have known it. Why, Mr. President, every word in this act of assembly is in the act of 1879; the wording of this act gives them this jurisdiction as in the act of 1879. The Legislature passed the act of 1879 and committed trespass of all kinds and descriptions to justices of the peace and aldermen, but the courts have held that they did not have jurisdiction. In 1929, the Legislature of Pennsylvania passed an act that in hundred dollar matters, when the bill of expenses, where the damages were liquidated, justices of the peace had jurisdiction and the language gives them jurisdiction, both in trespass and trespass on the case, but the courts of Pennsylvania are now holding, and the Courts of Dauphin County have held, that even though that language is that broad, a justice of the peace does not have that jurisdiction.

Mr. President, I am greatly obliged to my colleagues for allowing me to make these remarks. I do not expect to influence anybody's vote, but I do say this: that the

poor man of Pennsylvania is entitled to have his damages fixed by a jury under instructions of the court, the same as a large suit is decided; he is entitled to have his case brought in a Common Pleas Court and have it a mixed question of law and fact, where the Court tells the jury what the law is and they apply it, and have the Court sit there to watch to see that those circumstances are taken care of. If an individual appears before a justice of the peace in such a case and if he has no money for a lawyer, there is no way before a justice of the peace he can get a lawyer but if he comes in to a Common Pleas Court or to a Court of Quarter Sessions and he is poor and has not the way to do it, the Court will take care of him and see that his rights are taken care of, and if they are not taken care of, he will take care of them himself.

Mr. President, we have spoken on this bill, all of us, as though the bill were on final passage, under allowance by the presiding officer, who has been very kind to us, and we have all probably transgressed the rules, but after we got into it, the Chair has been kind enough to allow me to follow the others.

I do say, Mr. President, to the members of the Senate that this is bad legislation, it is committing the poor man to a court where he can not get justice, and it is making a farce out of the administration of justice in Pennsylvania.

Mr. BECKER. Mr. President, I desire to interrogate the gentleman from McKean, Mr. Wilson.

The PRESIDENT. Will the gentleman from McKean permit himself to be interrogated?

Mr. THOMAS B. WILSON. I will, Mr. President.

Mr. BECKER. Mr. President, the Senator from McKean finds fault with the fact that before the minor judiciary these cases are decided by bricklayers and hod carriers. With the experience in trial work of which the Senator from McKean has spoken, I should like to interrogate him and ask him what does he do when he finds a bricklayer or a hod carrier on a jury panel before which he tries a case in a Common Pleas Court?

Mr. THOMAS B. WILSON. Mr. President, the place for bricklayers and hod carriers, and the fellows who wheel wheelbarrows in the brick yards, is upon the juries of Pennsylvania, because when a man has a cause that he has to try, whether he is charged with murder or whether it is a civil case, the language of the old common law is that "he puts himself on his country," and when I have a jury trial I want bricklayers, hod carriers, bankers, doctors and dressmakers, the common people of Pennsylvania of all classes and conditions, because they are the people of Pennsylvania who have the right to decide these things, and Mr. President, when they decide them wrong when they decide them contrary to the evidence, contrary to the law, there still can be made a motion for a new trial, there is a motion to arrest judgment, there is a motion for judgment non obstante veredicto, under which the court regulates the decisions of the hod carrier and the bricklayer.

Mr. STIEFEL. Mr. President, I submit that by virtue of these amendments, trespass on the case will be eliminated from the jurisdiction of the magistrates, justices of the peace and aldermen. In my opinion, if this bill passes, this will be a witch's brew that will kill the blind goddess of justice.

It is a known fact in Pennsylvania that most of the

justices of the peace are not learned at law; some of them are gentlemen engaged in many pursuits, and they have many—I speak colloquially—chestnuts in the fire. Between their ignorance and between their desire to help the plaintiff, many people will be deprived of justice.

It reminds me of the good old times when polygamy was still allowed by the law. A middle-aged man had two wives, he had an older one and a younger one, and whenever he would come to spend an evening with his old wife, she would try to remove his raven hair, so that he would look older, and whenever he came to spend an evening with the young wife, she would try to remove the gray hair and make him look younger, so that between those two women, the man became baldheaded.

That is what is going to happen in this case. A man will appear before a magistrate or a justice of the peace, and judgment will be entered against him by a person who does not know the intricacies of the law governing trespass on the case.

The gentleman from Lebanon, Senator Becker, in a most elucidating exposition of the question, forgot to mention the difficult problem, like the application of a hind sight test and a foresight test, which has had plenty of volumes written on it; such persons as the late Justice Cardozo used to spend many months in trying celebrated cases, which were very complicated, and now you will appear in a God forsaken little place before a magistrate, and he will try to give you justice simply by deciding by rule of thumb, without any real knowledge of the law.

In a good many communities, when you enter you see a very interesting sign, "This is a speed trap". That means, if you appear before a justice of the peace, he will not listen to your case, he simply fines you, because he gets a certain percentage of the fines.

I believe, Mr. President, that if this law passes, many people who live in urban sections and who travel on the highways of Pennsylvania, will be exposed to the danger of having a quick hearing held without a delving into the problems of law. It is a most dangerous piece of legislation and if we pass it today it will haunt us for the next three years.

Mr. THOMAS B. WILSON. Mr. President, I just want to say one further thing to the Senate. There is a lot of phooey going on about this bill. There are no litigants in Pennsylvania who are here asking for this legislation. This is a bill to increase the pay, by the public, of the justices of the peace and constables; that is the only thing that is back of this bill. There are no litigants in Pennsylvania claiming they can not get justice or that it costs too much. The only persons who are back of this bill are justices of the peace and constables who want to get business and make some money.

Mr. President, a great many years ago we used to have assault and battery cases in Pennsylvania, and our courts were full of them until we gave justices of the peace power to dispose of those cases, and since then assault and battery cases in our Quarter Sessions Courts have been almost unheard of.

Back in these corridors here are some gentlemen who speak very softly or very persuasively, and they are the greatest proponents of this bill.

I can not agree, Mr. President, with the violent remarks of the gentleman from Fayette in regard to these people who come here and watch over us so solicitously

for fear we might strike our foot against a stone, but I do agree with the remarks of the Senator who sits behind him and who looks at the Senator from Fayette with such admiring and idolatrous eyes, Senator Reed, when he spoke upon this floor in regard to those lobbyists who make up our poor fool simple minds on every subject that comes before us. They are the ones who want this bill, they are the ones that create the demand, and I have no doubt that when the roll is called, we will look at them—and over their shoulders at the votes back of them—and probably the bill will pass. But I do say this, I would like to be a member of the Legislature of Pennsylvania long enough that I would be allowed some time to make my poor stammering mind up myself, without the assistance of somebody standing behind me and leading me along gently, for fear I might not know what to do.

That is the argument for this bill, the justice of the peace and constable lobby, which wants this bill so that the people they represent can make some money. I am not speaking unkindly of men who come here to tell us what to do and to guide and look after us. Many of them are my friends, but they are the cause of this great enthusiasm for this bill—not the people of Pennsylvania.

And the question recurring,

Will the Senate agree to the amendment?

The PRESIDENT. For the information of the Senators, amendments were presented by the gentleman from Philadelphia, Mr. Stiefel, the amendments to the section read, and the question now is, will the Senate agree to the amendments.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. EALY. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Somerset will state his parliamentary inquiry.

Mr. EALY. Mr. President, have the amendments offered by the gentleman from Philadelphia, Mr. Shapiro, been voted on?

The PRESIDENT. They were adopted.

The question now is will the Senate agree to the amendments presented by the gentleman from Philadelphia, Mr. Stiefel.

Mr. EDMONDS. Mr. President, in connection with the amendments offered by the gentleman from Philadelphia, Mr. Stiefel, may we have them read again.

(The amendments were again read.)

Mr. THOMAS B. WILSON. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Stiefel.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. STIEFEL. I will, Mr. President.

Mr. THOMAS B. WILSON. Mr. President, does the gentleman from Philadelphia have a copy of this section as it will read after the amendments are inserted? May we have that read, because my poor little mind does not grasp these amendments so well. Does the gentleman from Philadelphia have a copy of those amendments so that we may have the section read as it really is?

MOTION TO LAY AMENDMENTS ON THE TABLE

Mr. STIEFEL. Mr. President, in line with the desire of the Senator from McKean to examine the amendments,

may I move that the bill and the amendments be placed on the table.

I might say for the information of the gentleman from McKean I have no other copy of the amendments. If he desires, I can tell him just what the amendments do.

(The amendments were again read.)

And the question recurring.

Will the Senate agree to the amendments?

Mr. THOMAS B. WILSON. Roll call, Mr. President.

The yeas and nays were required by Mr. THOMAS B. WILSON and were as follows, viz:

YEAS—13

Cavalcante,	Ealy,	Reed,	Stiefel,
Chapman,	Edmonds,	Snowden,	Wilson, H. I.,
Crider,	Kephart,	Stevenson,	Wilson, T. B.,
Crowe,			

NAYS—29

Barr,	Frey,	McCreesh,	Taylor,
Bartlett,	Haluska,	McGinnis,	Thomas,
Becker,	Heyburn,	McQuiddy,	Tyler,
Carr,	Jaspan,	Miller,	Wade,
Coleman,	Lanius,	Ruth,	Walker,
Cox,	Letzler,	Scarlett,	Watkins,
Deitrick,	Mallery,	Tallman,	Ziesenheim,
DiSilvestro,			

So the question was determined in the negative.

And the question recurring.

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

PAGE 12 OF CALENDAR

Mr. EALY. Mr. President, if there is to be no debate on the bills on second reading, appearing on page 12, I shall ask that they be read. Then it will be necessary that we recess until later in the evening.

Mr. JASPAN. I do object, Mr. President, to the second reading of Senate Bill No. 898, (House Bill No. 1213).

Mr. EALY. Then, Mr. President, I request at this time the Chair clear the table after which it will be necessary that we recess.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, July 8, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Dorothy R. Beech, Wilkesburg.

CUMBERLAND COUNTY

Mrs. Betty M. George, Camp Hill.

DELAWARE COUNTY

Joseph J. Breithaupt, Upper Darby Twp., Drexel Hill.

ERIE COUNTY

Benj. J. Ginader, Erie.

LEHIGH COUNTY

Robert T. Irvine, Allentown.
N. C. Shepardson, Allentown.

NORTHAMPTON COUNTY

Miss Sara Minnich, Easton.

PHILADELPHIA COUNTY

Mrs. F. Jeanne Schwartzman, 3420 N. Weikel St., Philadelphia.

GREENE COUNTY

F. W. Meighen, Waynesburg.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Mallery,	Tallman,
Bartlett,	Ealy,	McCreesh,	Taylor,
Becker,	Edmonds,	McGinnis,	Thomas,
Carr,	Farrell,	McQuiddy,	Tyler,
Cavalcante,	Frey,	Miller,	Wade,
Chapman,	Haluska,	Mundy,	Walker,
Coleman,	Heyburn,	Reed,	Watkins,
Cox,	Hornsher,	Ruth,	Wilson, H. I.,
Crider,	Jaspan,	Scarlett,	Wilson, T. B.,
Crowe,	Kephart,	Snowden,	Woodward,
Deltrick,	Lanius,	Stevenson,	Ziesenheim,
Dent,	Letzler,	Stiefel,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOMINATION FOR APPOINTMENT AS JUSTICE OF THE PEACE IN MONROE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Helen C. Evans, Barclay Avenue, Mount Pocono, Monroe County, for appointment as Justice of the Peace in and for the Borough of Mount Pocono, Monroe County, until the first Monday in January, 1942, vice Claude M. Evans, deceased.

ARTHUR H. JAMES.

COMMUNICATIONS FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 788, (PRINTER'S No. 275)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 788, Printer's No. 275, entitled, "An Act to amend sections one and two of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1647), entitled 'An act relating to the registration of motor vehicles, and the licensing of certain operators thereof; and providing for the suspension of the registration of any motor vehicle, or of the operators license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public service utility company law; authorizing the rescission of such suspension; and providing for the disposition of fees,' by extending the provisions thereof to contract carriers by motor vehicles."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 789, (PRINTER'S No. 276)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 789, Printer's No. 276, entitled "An Act to amend section eleven of the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 160), entitled 'An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania, authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania,' by expressly providing for administration of the Public Utility Law of June first, one thousand nine hundred and thirty-seven (P. L. 1053), by the Public Utility Commission; and

directing said commission to certify certain questions of fact as to the purity of water to the Department of Health."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 782,
(PRINTER'S No. 273)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 782, Printer's No. 273, entitled, "An Act to further amend subsections (a) (b) and (c) of section one thousand two hundred and one of the act approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled 'An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporation subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act,' further providing for assessment of regulatory expenses upon public utilities."

ARTHUR H. JAMES.

HOUSE MESSAGE

RECALLING HOUSE BILL No. 291 (PRINTER'S No. 1047)
FROM THE GOVERNOR

The Clerk of the House of Representatives being intro-

duced, presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, July 8, 1941.
Resolved (if the Senate concur) That House Bill No. 291, (Printer's No. 1047), entitled:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 1203, (PRINTER'S No. 612), FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 8, 1941.
Resolved, (if the Senate concur) that House Bill No. 1203, (Printer's No. 612), entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 1106, (PRINTER'S No. 1046), FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 8, 1941.
Resolved (if the Senate concur) that House Bill No. 1106, (Printer's No. 1046), entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 1066,
(PRINTER'S No. 978), FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 8, 1941.
Resolved (if the Senate concur) that House Bill No. 1066, (Printer's No. 978), entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 1083,
(PRINTER'S No. 614), FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur) That House Bill No. 1083, (Printer's No. 614), entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 581,
(PRINTER'S No. 976), FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur) That House Bill No. 581, (Printer's No. 976), entitled:

An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis in cattle.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 389,
(PRINTER'S No. 339), FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur) That House Bill No. 389, (Printer's No. 339), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Farview State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 1837,
(PRINTER'S No. 1077), FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur) That House Bill No. 1837, (Printer's No. 1077), entitled:

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "Public Utility Law," changing the definitions of "Common Car-

rier by Motor Vehicle" and "Contract Carrier by Motor Vehicle"; and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECALLING HOUSE BILL No. 90
(PRINTER'S No. 1041)

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, July 8, 1941.

Resolved (If the Senate concur) That House Bill No. 90, (Printer's No. 1041), entitled:

An Act providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as United Spanish War Veterans, Inc.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. HOMSHER, from the Committee on Banking, reported as committed, Senate Bill No. 1230, (House Bill No. 1397), entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employees; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State Departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts" as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

He also, from the Committee on Banking, reported as committed, Senate Bill No. 986, (House Bill No. 1399), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation, conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commission, and

officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

Mr. BECKER, from the Committee on Public Utilities, reported as amended, Senate Bill No. 1303, (House Bill No. 1727), entitled:

An Act providing that proceedings, acts and bonds issued, by Authorities incorporated under the Municipality Authorities Act, as amended and supplemented, shall not be invalid by reason of certain circumstances.

Mr. THOMAS, from the Committee on County Government, reported as committed, Senate Bill No. 1323, (House Bill No. 1857), entitled:

An Act making an appropriation to the Department of Revenue for the payment of claims against the Commonwealth arising from damage by fire caused by defective wires used for operating airplane beacons.

Mr. WALKER, from the Committee on Public Utilities, reported as amended, Senate Bill No. 1304, (House Bill No. 1728), entitled:

An Act relating to the compatibility of office of members of the Boards and officers of the Authorities incorporated under the Municipality Authorities Act, as amended and supplemented.

He also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 768, (House Bill No. 1127), entitled:

An Act defining, regulating and providing for the licensing and registration of employment agents and their representatives, including private employment agents, theatrical employment agencies and nurses' registries; providing for revocation and suspension of licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the Department of Labor and Industry and the Department of Public Instruction; providing penalties; and repealing existing laws.

RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess until 8:30 o'clock, p. m. E. S. T.

Mr. FARRELL. Mr. President, I second the motion. The motion was agreed to.

Mr. EALY. Mr. President, I dislike to ask the Senators to come back this evening, but we are making every effort to complete our work this week, and we think it can be done if we give attention to the work of the session.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

SENATE BILL, No. 345, CALLED FROM THE TABLE

Mr. CRIDER. Mr. President, I now call up Senate Bill No. 345, which was laid on the table June 5th.

Mr. GELTZ. Mr. President, I second the motion. The motion was agreed to.

RECONSIDERATION OF SENATE BILL No. 345, (HOUSE BILL No. 1550)

Mr. CRIDER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 345, (House Bill No. 1550), entitled:

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrease of registers of wills probating or refusing to probate wills.

was passed finally, May 26, 1941.

The PRESIDENT. How did the Senator vote?

Mr. CRIDER. Mr. President, I voted "aye".

Mr. THOMAS B. WILSON. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. THOMAS B. WILSON. Mr. President, I voted "aye".

The motion was agreed to

And the question recurring,

Shall the bill pass finally?

Mr. CRIDER. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. CRIDER. Mr. President, I voted "aye".

Mr. THOMAS B. WILSON. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. THOMAS B. WILSON. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. CRIDER. Mr. President, I ask unanimous consent to amend title, page 1, line 1, by inserting after the word "sixteen" and before the word "of" the following: "and subsection (a) of section twenty-one;" amend title, page 1, line 10, by inserting after the word "wills" the following "and from all judicial acts and proceedings of the several registers including all decisions granting an issue devisavit vel non;" amend bill by adding after Section 1, page 2, a new section, as follows:

Section 2. Subsection (a) of section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415) entitled "An act relating to the qualifications jurisdiction powers and duties of registers of wills and regulating proceedings before the said registers and the costs thereof the effects of their acts and appeals therefrom" is hereby amended to read as follows

Section 21. (a) From all the judicial acts and proceedings of the several registers including all decisions granting an issue devisavit vel non in a contest concerning the validity of a will appeals may, be taken to the Orphans' Court of the respective county within the term of [two] one [years] year Provided that any party entitled to appeal may be cited by such court to show cause why he should not appeal within six months from the date of such citation and on the failure of such party to show cause said court may make an order limiting the time for such appeal by said party to said period of six months.

Amend Section 2, page 2, line 17, by striking out after the word "Section" and before the word "This" the figure [2], and inserting in lieu thereof the figure: "3".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

REPORTS FROM COMMITTEES

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON, from the Committee on Judiciary General reported as committed, Senate Bill No. 1053, entitled:

An Act to amend section one of the act, approved the eighth day of May, one thousand eight hundred and ninety-five (P. L. 44), entitled "An act providing for the release and discharge of encumbrances or charges on land in all cases in which the period of twenty-one years has elapsed after the principal of the encumbrance or charge has become due and payable, and no payment has been made within such period of twenty-one years on account of such encumbrance or charge by the owner or owners of the land sought to be released and discharged and no sufficient release is of record in the county, and regulating proceedings for such release and discharge," heretofore repealed in so far as it related to the orphans' court, relieving courts of common pleas of the necessity of passing on the truth of the allegations of petitions for release and discharge of such encumbrances or charges.

Mr. FARRELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FARRELL, from the Committee on State Government reported as amended, Senate Bill No. 607, (House Bill No. 437), entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation, on behalf of the Commonwealth of Pennsylvania ten acres of land adjacent to the Daniel Boone Homestead, or so much thereof as may be necessary to properly honor the pioneer, Daniel Boone, on the spot where he was born; providing for the control, management, supervision, improvement, preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, from the Committee on Appropriations reported as committed, Senate Bill No. 605, (House Bill No. 426), entitled:

An Act making an appropriation to the Pennsylvania Historical Commission, to cover the expenses of restoring and maintaining the Daniel Boone Homestead.

QUESTION OF PERSONAL PRIVILEGE

Mr. COLEMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Lackawanna will state his question of personal privilege.

Mr. COLEMAN. Mr. President, since the beginning of history, yes, even before written history began, there

was implanted in the human breast a divine spark, a desire to live life under better conditions, life with higher ideals, life with all the comforts that a person could secure.

Back in primitive days the cave man desired these comforts, and one of the very first things that afforded him this comfort was the building of an improvised chair, which gave him the opportunity to spend many happy hours in his hut. Since that period of time chairs have played an important part in world history and human relationships. History has been made, dynasties and nations built as the result of conferences held around comfortable chairs.

I think one of the most beautiful poems I have ever heard is the poem about mother, the last verse of which runs as follows:

"As he goes down the hill of life,
He in his daily prayer
Thanks God that all his boys were born
In that old bye-bye chair."

Recently, Mr. President, there appeared around the Hall of the Senate a new chair. That, under ordinary circumstances, would be an extremely unimportant incident, except that this chair happens to be the barber's chair. The barber's chair has played a very, very important part in the proceedings of the Senate of Pennsylvania.

Only the male of the species, the adult male of the species, will appreciate the ecstasy of relaxation in a barber's chair, while getting a haircut and a shave. Many of the most important bills in the history of the Commonwealth had their birth when some able Senator was sitting in the barber's chair doing nothing but thinking. Many of you men here who were here in the 1939 session will recall very vividly that in the early part of that session there were some things pulled off in the barber's chair, and it was not hair.

Mr. President, I have in my hand here an original poem, written by a poetic member of the Senate, who, I think has done a very, very fine job in this original composition, and I refer, of course, to the gentleman from Butler, Senator Carr. The proper way to get this poem across would be to sing it, because it is a parody on Joyce Kilmer's memorable tribute to the tree. I do not want to invade the field of Lawrence Tibbet and Crosby, so I think I better stick to speaking. That again reminds me, Mr. President, if I may be forgiven or permitted, to tell a short story of the fellow who thought he was a good singer, and who got a job as a song plugger in a local music shop, and one of his friends came to him and said, "How are you doing in your new job?" and he said, "I understand from the manager that business has increased thirty per cent, the sale of sheet music has increased thirty per cent the first week." and the friend said, "Well, how do you account for that?" and he said, "I understand from him that every time I sing 'My sister and I' they sell one hundred copies of 'Mexicali Rose'."

Mr. President, I do not want to be subjected to a similar rebuke, but I do want to read into the record, a tribute to the new barber chair—and I might say incidentally I think the Republican Party ought to take the old barber chair and put it in one of the state archives; because it played a very important part in the organization of the Senate of 1939.

Mr. President, I now read an original poem and I might say I am indebted to my good friend, Senator Carr, for the composition of this poem. Those of you who have listened to the rendition of the beautiful song "Trees" will follow me very closely.

"I think that I shall never care
 "To sit in any better chair
 "Than this that's trimmed in brilliant red
 "In which no Senator has bled.
 "This chair within the barber shop
 "Whose beauty none shall ever top,
 "Rhymes crop out beneath my hair:
 "It took some great guy to make this chair."

Mr. REED. Mr. President, I was much interested in the discussion of chairs, just given by the gentleman from Lackawanna. I like the barber very much, but I do not know anything about his chair. The other chairs that interested me in the discussion were chairs used by those who conduct conferences. The gentleman spoke about conferences being conducted from easy chairs. We have had conferences in and around the Hill here for some time relative to closing this session, and perhaps the chairs the conferees are using are the easy chairs that the gentleman referred to, and I would suggest, if that be true, that we take the chairs away from the conferees and make them operate standing up, and maybe they will come to a conclusion and we will get away from here.

CHANGE IN MEMBERSHIP CONFERENCE COMMITTEE, HOUSE BILL No. 481

The PRESIDENT. On behalf of the President Pro Tempore, the Chair announces appointment of the gentleman from Lancaster, Senator Homsher, as a conferee on the part of the Senate on House Bill No. 481, in substitution for the Senator from Philadelphia, Mr. Kephart, who has resigned from the Conference Committee.

CALENDAR

BILLS ON SECOND READING

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 898, (House Bill No. 1213), on second reading, entitled:

An Act to amend an act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such

substitutes" by more fully defining the times during which the benefits shall be payable and the amount thereof and to whom payable.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1105, (House Bill No. 94), entitled:

An Act to amend section fifteen hundred and nine of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing that the board of directors of any school district may appropriate funds to pay for medical examination for tuberculosis for pupils teachers janitors or other employes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. EALY (by request). Mr. President, I ask unanimous consent that Senate Bill No. 1118, (House Bill No. 687), on second reading, entitled:

An Act to further amend the title and section one of the act approved the third day of May, one thousand nine hundred and nine (P. L. 424), entitled "An act providing that in all counties having more than five hundred thousand inhabitants, advertisements and notices, required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, shall be published in the legal newspaper, issued at least weekly, of the proper county, designated by rules of court for the publication of court or other legal notices," as amended, extending the provisions of the said act to counties of the sixth class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1121, (House Bill No. 909), entitled:

An Act to further amend section three hundred three of and to add section three hundred seven of the act approved the twenty-fifth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and

its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by providing for the appointment of assistant managers in Pennsylvania Liquor Stores and by establishing minimum salaries for certain employes of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REQUEST THAT BILL BE RECOMMITTED

Mr. EALY. Mr. President I request that Senate Bill No. 1166, (House Bill No. 1686), on second reading, entitled:

An Act relating to certain civil rights and liabilities of persons in the armed service of the United States; providing for the suspension of the enforcement of certain civil liabilities; providing for the re-employment of such persons upon completion of such service; and imposing penalties.

be recommitted to the Committee on Military Affairs.

On the question,

Will the Senate agree to the request?

Mr. CAVALCANTE. Mr. President, I object to re-committal of this bill.

BILL RECOMMITTED

Mr. EALY. I move that Senate Bill 1166, (House Bill No. 1686), be recommitted to the Committee on Military Affairs.

Mr. MILLER. I second the motion.

Mr. CAVALCANTE. Roll call, Mr. President

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—34

Barr,	Ealy,	Letzler,	Tallman,
Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	Miller,	Thomas,
CHART,	Frey,	Mundy,	Tyler,
Chapman,	Geltz,	Ruth,	Wade,
Coleman,	Heyburn,	Shapiro,	Walker,
Cox,	Homsher,	Snowden,	Watkins,
Crider,	James,	Stevenson,	Wilson, H. I.,
Crowe,	Kephart,		

NAYS—6

Cavalcante,	Haluska,	McQuiddy,	Reed,
DiSilvestro,	McGinnis,		

So the question was determined in the affirmative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 1206, (House Bill No. 1621), entitled:

An Act to add section forty-three to the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" authorizing compromise of tax claims in cases where there is a dispute as to the domicile of the decedent.

The first section of the bill was read.

On the question,

Will the Senate agree to the section?

Mr. HEYBURN. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend section 1 (section 43), page 2, line 21 by inserting after the word "states" and before the word "the" the following "and the facts are such as to give rise to a reasonable doubt as to the domicile of the decedent; amend section 1 (section 43), page 2, line 21 by inserting after the word "may" and before the word "enter" the following: "with the approval of the Department of Justice"; amend section 1 (section 43), page 3, line 16 by inserting at the end of the line the following: "A copy of any such agreement shall be filed in the office of the proper registrar of wills and any existing appraisalment shall be deemed modified according to said agreement. In the event no appraisalment has been made and filed prior to said agreement the Department of Revenue shall direct an appraisalment to be made and filed in the office of the proper register of wills in accordance with said agreement"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1238, (House Bill No. 1648), entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1005), entitled "An Act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees pre-

scribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended by changing registration years fractions of registration years operator's license years extending the time for exemption from fees for transfer of registration to conform with changed registration year reducing operator's license fee and giving the secretary power to determine whether certain motor vehicles are of tractor type.

And said bill having been read at length the second time and agree to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of Senate Bill No. 1263, (House Bill No. 846), entitled:

An Act requiring school boards in all school districts to grant leaves of absence to all school employes who shall volunteer or be called for military or naval service in time of war or during a state of national emergency preserving certain contracts salaries increments retirement rights seniority State contributions and grants to local school boards eligibility lists re-employment authorizing school boards to employ substitutes in place of such employes reserving all rights and privileges of employes granted leaves of absence under the provisions herein superseding or repealing all contrary laws.

And said bill having been read at length the second time and agree to,
Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1269, (House Bill No. 1652), on second reading, entitled:

An Act to further amend sections eight and eleven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operator's licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by giving the secretary discretionary power under certain circumstances to suspend operator's licenses and providing for notice and hearing before suspension of licenses and registrations.

go over in its order.
The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of Senate Bill No. 1310, (House Bill No. 602), entitled:

An Act to amend sections eight hundred one and nine hundred seventy-six of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests, creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further defining parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections the Secretary of the Commonwealth and the courts.

And said bill having been read at length the second time and agree to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of Senate Bill No. 1311, entitled:

An Act to further amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board"; limiting the grant of general assistance to unemployable persons; transferring the administration of this act from the Department of Public Assistance to the Department of Welfare; abolishing the Department of Public Assistance and the State Board of Public Assistance; conferring powers on the State Welfare Commission; changing the powers and duties of local boards; and imposing certain duties in respect to employable persons on the Department of Labor and Industry.

And said bill having been read at length the second time and agree to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of Senate Bill No. 1312, entitled:

An Act to add section 2321 to the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined"; by providing for the administration of public assistance by the Department of Welfare; providing for the appointment by the Governor of an Employment Board and defining its powers and duties; conferring additional powers on the State Welfare Commission; providing for a civil service system for the employees of the Department of Welfare and Local Boards engaged in public assistance work; and repealing the provisions of this act relating to the Department of Public Assistance.

And said bill having been read at length the second time and agree to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1313, entitled:

A Supplement to the Act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page 60) entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

And said bill having been read at length the second time and agree to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1314, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth, certain land upon which the historic Fort Roberdeau once stood in Blair County as a memorial; providing for the control, management, supervision, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

And said bill having been read at length the second time and agree to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1315, entitled:

An Act to reenact and further amend the title and the provisions of the act, approved the twenty-fifth day of May, one thousand eight hundred ninety-seven (P. L. 83), entitled "An act to provide for the maintenance, care and treatment of the indigent insane in county and local institutions," as amended by reviving said act for a limited period of time and including institution districts within the act, in conformity with existing law.

And said bill having been read at length the second time and agree to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1316, entitled:

An Act to further amend section three hundred nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," by authorizing county institution districts to adopt a supplemental budget and to borrow money to operate institutions for mental patients heretofore transferred to the Commonwealth.

And said bill having been read at length the second time and agree to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1317, entitled:

An Act to reenact and further amend the title and section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 707), entitled "An act fixing the liability of the counties, poor districts, and the Commonwealth for the support of the indigent and partly indigent insane in State institutions, by reviving the provisions of said act for a limited period of time; further fixing the liability of counties, institution districts and the Commonwealth; and conforming the title and the act to existing law.

And said bill having been read at length the second time and agree to,

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. GELTZ. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ read in place and presented to the Chair Senate Bill No. 1325, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in county and institution district hospitals.

Which was committed to the Committee on Appropriations.

SENATE BILL No. 1109, (HOUSE BILL No. 957), ON THIRD READING CALLED UP

Mr. COLEMAN. Mr. President, I now call up Senate Bill No. 1109, (House Bill No. 957), on third reading, postponed, on page 4 of the Calendar.

Mr. BARR. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1109, (House Bill No. 957), entitled:

An Act to amend the act approved the fourth day of one one thousand nine hundred and thirty-seven (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employees' retirement system in counties of the third class and imposing certain charges on counties" extending and further regulating such retirement systems.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. COLEMAN. Mr. President, I ask unanimous consent to amend Sec. 1 (Sec. 2), page 4, line 17, by striking out the following "[may] shall" and inserting in lieu thereof: "may".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

REPORT FROM COMMITTEE

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN from the Committee on Appropriations reported as committed, Senate Bill No. 1325, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in county and institutional district hospitals.

SENATE BILL No. 1246, (HOUSE BILL No. 1771), ON THIRD READING CALLED UP

Mr. MILLER. Mr. President, I now call up Senate Bill No. 1246, (House Bill No. 1771), on third reading, which went over in its order, on page 7 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1246, (House Bill No. 1771), entitled:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce, annulment of marriage, adoption and annulment of adoption proceedings, providing for the registration of such certificates by the said department, the issuance of certified copies thereof, and fixing fees and penalties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. MILLER. Mr. President, I ask unanimous consent to Amend title, page 1, line 1 of title, by inserting after the word "requiring" the following: "prothonotaries and"; Amend Sec. 1, page 1, line 3, by inserting after the word "the" the following: "prothonotary or the"; Amend Sec. 1, page 1, line 8, by inserting before the word "clerk" at the beginning of the line, the following: "prothonotary or"; Amend Sec. 1, page 2, line 2, by inserting after the word "Health" at the end of the line, the following: "and shall note on each certificate whether or not all the costs incident to the proceedings had in connection therewith have been paid"; Amend Sec. 2, page 2, line 6, by inserting after the word "every" the following: "prothonotary or"; Amend Sec. 3, page 2, line 15, by inserting after the word "act" the following: "unless it shall appear on the certificate furnished to the Department of Health that all the costs in the proceedings in said court incident thereto have not been paid"; Amend Sec. 4, page 2, line 18, by inserting after the word "Any" the following: "prothonotary or".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

PERMISSION TO ADDRESS SENATE

Mr. BARTLETT. Mr. President, I request permission to address the Senate.

The PRESIDENT. The gentleman from Northampton will proceed.

Mr. BARTLETT. Mr. President, when the Senate adopted concurrent resolution 118, which refers to obtaining certain information from the Department of Public Assistance, the Secretary of the Senate was requested to obtain that certain information from that department. The department has replied in a letter to me, and I ask to have this letter spread upon the record.

The PRESIDENT. If there is no objection, the request of the gentleman from Northampton is granted.

Mr. BARTLETT. The letter reads as follows:

"June 11, 1941

"The Honorable Charles A. P. Bartlett
Chairman, Committee on Welfare,
Public Assistance and Pensions
Senate of Pennsylvania
Harrisburg, Pennsylvania

"Dear Senator Bartlett:

"At the meeting of the State Board of Public Assistance April 30, 1941, I read to the members of the Board Senate Concurrent Resolution No. 118, requesting the Department of Public Assistance to raise the permissible maximum face value of insurance of assistance recipients from \$500 to \$1000. The points in the resolution were discussed at some length by the members of the Board.

"The responsibility of the State Board of Public Assistance is quite extensive, since the regulations adopted by it establish eligibility for assistance and the nature and extent of such eligibility. This responsibility is placed upon the State Board of Public Assistance by Section 2504-A of Act No. 395 of 1937 and Section 6 of the Public Assistance Act. It was the opinion of each member of the State Board that a regulation allowing every member of an assistance family to have \$1000 worth of insurance would raise a question as to the true assistance needs of such applicants or recipients. It was pointed out that many persons not receiving assistance do not have insurance in these amounts and are unable to leave estates of as much as \$1000.

"The members of the State Board did recognize, however, that the existing insurance regulations were subject to legitimate criticism because they required persons who possess more than \$500 worth of insurance to reduce their policies to that amount before they could become eligible for assistance. The Board agreed, therefore, that individuals might have any amount of insurance, and that such insurance need not be reduced to the permissible maximum if the insurance over \$500 was assigned to the Department to cover assistance received. This means, on the one hand, that persons applying for assistance would not have to reduce their insurance coverage, since it might be difficult for them to replace it. It also means that they would not be required to buy types of insurance sold in amounts under \$1000, which are generally not as advantageous as the larger policies. On the other hand, assignment (or making the Department beneficiary) would require that assistance be repaid from any insurance collected in excess of \$500, the permissible maximum.

"There are several advantages to this new regulation. Persons who come on assistance for short periods only would not have their insurance coverage disturbed. When they leave assistance rolls, they could either allow the assignments to stand, or, by repaying assistance received, could have the assignments removed. If they allow the assignments to stand, assistance would not be repaid until the insurance was collected, and then only from amounts above \$500, and never in excess of the actual amount of assistance received.

"Do you agree that the revised policy on insurance meets the main objectives of Senate Concurrent Resolution No. 118? The State Board will welcome your comments and the comments of the members of the Welfare

Committee, as well as those of the sponsors of the resolution.

Sincerely yours,

FRANK A. ROBBINS, JR.,
State Board of Public Assistance."

Mr. HALUSKA. Mr. President, I have no objection to having the letter spread upon the record, but I would like to make a brief statement, so that the record may be kept clear. The letter that you now have on the desk, of which I have a copy, is very misleading, in fact it is false, because a portion of paragraph 2 of that letter reads as follows:

"It was the opinion of each member of the state board that a regulation allowing every member of an assistance family to have one thousand dollars worth of insurance would raise a question as to the true assistance needs of such applicants or recipients."

Now, Mr. President, that letter refers to a resolution that was passed by this body, introduced by myself and my colleague from Cumberland, Mr. Wade, and that resolution had no such wording, and I do not know how they arrived at that conclusion.

That resolution read that the aggregate sum would not exceed one thousand dollars for one or any member or members of a family, but they have issued a false statement, by trying to make us believe that the resolution read that each member might be permitted to carry the sum of one thousand dollars.

I want to keep the record clear. I have no objection but I would like to have my statement follow the letter as it appears in the Journal.

MOTION TO READ BILLS THE FIRST TIME

Mr. WADE, Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 605, (House Bill No. 426), entitled:

An Act making an appropriation to the Pennsylvania Historical Commission, to cover the expenses of restoring and maintaining the Daniel Boone Homestead.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 607, (House Bill No. 437), entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation, on behalf of the Commonwealth of Pennsylvania, ten acres of land adjacent to the Daniel Boone Homestead, or so much thereof as may be necessary to properly honor the pioneer, Daniel Boone, on the spot where he was born; providing for the control, management, supervision, improvement, preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 986, (House Bill No. 1399), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624) entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers: defining the rights, powers, duties, liabilities, and immunities of such corporations of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1053, entitled:

An Act to amend section one of the act, approved the eighth day of May, one thousand eight hundred and ninety-five (P. L. 44), entitled "An act providing for the release and discharge of encumbrances or charges on land in all cases in which the period of twenty-one years has elapsed after the principal of the encumbrance or charge has become due and payable, and no payment has been made within such period of twenty-one years on account of such encumbrance or charge by the owner or owners of the land sought to be released and discharged and no sufficient release is of record in the county, and regulating proceedings for such release and discharge," heretofore repealed in so far as it related to the orphans' court, relieving courts of common pleas of the necessity of passing on the truth of the allegations of petitions for release and discharge of such encumbrances or charges.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1230, (House Bill No. 1397), entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employees; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts recorders of deeds and certain State departments, commissions, and officers; establishing

limitations of actions; imposing penalties; and repealing certain acts and parts of acts" as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1303, (House Bill No. 1727), entitled:

An Act providing that proceedings acts and bonds issued by Authorities incorporated under the Municipality Authorities Act as amended and supplemented shall not be invalid by reason of certain circumstances.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1304, (House Bill No. 1728), entitled:

An Act relating to the compatibility of office of members of the Boards and officers of the Authorities incorporated under the Municipality Authorities Act as amended and supplemented.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1323, (House Bill No. 1857), entitled:

An Act making an appropriation to the Department of Revenue for the payment of claims against the Commonwealth arising from damage by fire caused by defective wires used for operating airplane beacons.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1325, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in county and institution district hospitals.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

PERMISSION TO ADDRESS SENATE

Mr. HALUSKA. Mr. President, I desire to make a brief statement.

The PRESIDENT. The gentleman from Cambria may proceed.

Mr. HALUSKA. Mr. President, I noticed last week the gentleman from Allegheny, Mr. Walker, introduced a certain bill and according to the time piece on my wrist, within seven minutes from the time the bill was introduced it went into committee, came out and received first reading. That, I believed was the record for 1941, at least I thought it was, but tonight that record has been broken by a minute and a half. We now have had a bill introduced, sent to the Committee on Appropriations, reported out and given first reading in five and one half minutes.

I am told we are about to adjourn this week, so I have one matter that is very important. In case it comes to a head, I will be compelled tonight to introduce a bill, report it out and have it read.

Therefore, Mr. President, I would like to interrogate the gentleman from Northampton, Mr. Bartlett.

The PRESIDENT. Will the gentleman from Northampton permit himself to be interrogated?

Mr. BARTLETT. I will, Mr. President.

Mr. HALUSKA. Mr. President, the gentleman from Northampton, Mr. Bartlett, is the chairman of the Committee on Welfare, Public Assistance and Pensions, is that correct.

Mr. BARTLETT. That is correct, Mr. President.

Mr. HALUSKA. Being Chairman of that important committee, may I ask the gentleman from Northampton whether he has any knowledge of any forth-coming bills that might be in his possession, pertaining to raising the assistance to the needy of our state.

Mr. BARTLETT. No meeting of that committee is scheduled, Mr. President.

Mr. HALUSKA. Mr. President, is the gentleman from Northampton aware of the fact that the Federal Government now has on the statute books legislation giving a grant of twenty dollars per month to those states which might match that with their own funds, to take care of the needy of our state who are above sixty-five years of age.

Mr. BARTLETT. I am not familiar with that Federal Legislation, Mr. President.

Mr. HALUSKA. Does the gentleman from Northampton know whether or not the Federal Government makes any allotment to our Commonwealth now for the needy of our Commonwealth.

Mr. BARTLETT. That is correct, Mr. President.

Mr. HALUSKA. Mr. President, what is the amount they pay, does the gentleman know, towards those receiving old age assistance?

Mr. BARTLETT. I can not answer that question, Mr. President.

Mr. HALUSKA. The gentleman from Northampton can not answer?

Mr. BARTLETT. No, Mr. President.

Mr. HALUSKA. I think first I might enlighten the gentleman from Northampton. We are today receiving the sum of fifteen dollars per month from the Federal Government, given to those who are above sixty-five years of age and are found to be needy, but we have on our statute books at Washington legislation giving twenty dollars to those states that will take advantage of it and match it with their own twenty dollars, therefore making it possible to pay the aged of our Commonwealth who are in need above sixty-five years of age, the sum of forty dollars. I was very hopeful possibly this session of the Legislature might enact legislation in conformity with the Federal Legislation, and the reason I interrogated the gentleman was because I was very hopeful that possibly he might introduce legislation to take advantage of the federal grant, but now he has informed me that we are not going to take advantage of it; is that correct?

Mr. BARTLETT. Mr. President, I have no knowledge of any bill providing such terms.

Mr. HALUSKA. Does the gentleman from Northampton know whether the administration has in mind any such bill?

Mr. BARTLETT. I am not familiar with any such bill.

Mr. WALKER. Mr. President, having just lost the world's record for putting bills in and out, as defeated champion of fast foot work I think the gentleman from Cambria is entitled to the slight observation that the relatively of time is not important. The oldest man in history lived 864 years, and he died, and he occupies three lines in the Testament; Christ lived but thirty-three years and occupies an entire book, so it is not a question of relatively of time; it is the relative importance of the bill itself.

Mr. CAVALCANTE. Mr. President, the remarks of the gentleman from Allegheny, Mr. Walker, might be humorous to him but whenever you consider that we are here to deal with very serious matters, matters dealing with the life of every citizen of this Commonwealth, he might view the proposition in a different light.

We have a system by which this Senate is run, and I might say I am a member of that Committee on Appropriations, and I know I did not attend any meeting of the Committee on Appropriations to voice my sentiment one way or the other on whether that bill should be reported out or not, and I resent it. I think I am entitled, as a member of that committee, to be notified when there is a meeting and to attend that meeting in the usual course and say whether I want to vote to report a bill out or not.

Now, Mr. President, there is another matter, too, that is in my craw at this time, and that is the letter which was read into the record by the gentleman from Northampton, Mr. Bartlett. The last paragraph of that letter said:

"Do you agree that the revised policy on insurance meets the main objectives of Senate concurrent Resolution No. 118? The State Board will welcome your comments and the members of the Welfare Committee, as well as those of the sponsors of the resolution."

Mr. President, I would like to interrogate the gentleman from Northampton, Senator Bartlett.

The PRESIDENT. Will the gentleman from Northampton permit himself to be interrogated?

* Mr. BARTLETT. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, has the Committee on Welfare, Public Assistance and Pensions made any answer to the question propounded by the writer of that letter?

Mr. BARTLETT. No, Mr. President.

Mr. CAVALCANTE. Have the sponsors of the resolution been given an opportunity to consult with the Committee on Welfare, Public Assistance and Pensions to formulate an answer, if they have an answer to make.

Mr. BARTLETT. No, Mr. President.

Mr. CAVALCANTE. Thank you very much. Now, Mr. President, I want to agree with the gentleman from Cambria, Senator Haluska, that that letter is a fraud, a damnable fraud. They merely say here they are going to continue the policy that they had before the introduction of this resolution, serial number 118. They say in this letter they are going to do the same thing they were doing before we took action. The way they did it before was to require individuals to reduce their insurance to five hundred dollars, or else assign the difference to the Department of Public Assistance, and that is what they say they are going to do in the future, according to the terms of this letter; so they have thumbed their noses at us here, despite the fact that we gave them life and tomorrow if we see fit we may abolish the Department of Public Assist-

ance, but nevertheless they have no consideration for this body and they are going to continue to do what they were doing before any resolution was adopted or before anything was said in this Senate.

PERMISSION TO ADDRESS SENATE

Mr. CHAPMAN. I ask permission to make a short explanation, Mr. President.

The PRESIDENT. The gentleman from Warren will proceed.

Mr. CHAPMAN. Mr. President, I want to explain the action of the Appropriations Committee. I might say that a committee of three has been appointed by the President Pro Tempore of the Senate and those three were consulted on every bill that has been reported out by that committee.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for a half an hour.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

SENATE BILL No. 1215, ON FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1215, on final passage, postponed, on page 21 of the Calendar.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1215, entitled:

A Supplement to the act, approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Acts, 12A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one."

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,
Bartlett,
Becker,

Ealy,
Edmonds,
Farrell,

Kephart,
Letzler,
Mallery,

Stevenson,
Tallman,
Taylor,

Carr,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
DiSilvestro,

Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,

McQuiddy,
Miller,
Mundy,
Ruth,
Scarlett,
Shapiro,
Snowden,

Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Mr. GELTZ. Mr. President, I am glad we have had an unanimous vote on this bill. I was about to explain, after the bill was read, that this is a bill which will be a supplement to the general appropriation bill which at present carries but two items, the general appropriation to the Department of Public Instruction and an amendment carrying an appropriation to the Department of Property and Supplies for the Soldiers and Sailors Home at Erie. It is expected that this bill will be amended in the House to include appropriation items which were cut from the general appropriation bill and whatever other items may be necessary.

I might also say at this time, Mr. President, we deeply regret the delay and inconvenience caused the members of the Senate, but we think it has been time well spent because we are finally in accord to such an extent we believe without any question we can get out of here and end the session by Saturday of this week.

If there are any questions in connection with any of these matters I shall be glad to answer them if I can; if not I am about to propose that we adjourn.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, July 9, 1941, at 1:00 o'clock, p. m., Eastern Standard Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59, p. m., Eastern Standard Time, until Wednesday, July 9, 1941, at 1:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, July 8, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Our God and Father, we pray for the state and for the world. We know that all forms of exploitation, of discrimination of caste or color, of violence and war, of deception and hypocrisy in our national and international life are an abomination to Thee. We would help to bring peace in our time, O Lord. We ask for strength to be calm, reasonable, and slow to anger in days of tension and strain in international affairs.

Bless and guide the President of the United States.

Endue him with wisdom, truth, and goodness that he may govern well and serve the cause of justice and peace. Help each of us to be good citizens of Thy Kingdom, and of our State and Nation. We pray this in the name of Thy Son, Jesus the Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. GILLAN, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. HOLLAND. HOUSE BILL No. 1953.

An Act making it unlawful to refuse employment because of age to any person under the age of sixty-five; and providing penalties.

Referred to the Committee on Labor.

By Mr. BONEY. HOUSE BILL No. 1954.

An Act to add section two hundred twenty-nine and one-tenth to the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," limiting the right of certain lessees or owners of or holders of certain rights in property for fishing purposes, to exclude the general public from fishing from such property.

Referred to the Committee on Fisheries.

By Mr. BONEY. HOUSE BILL No. 1955.

An Act to amend section two hundred and fifty-four of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," limiting the right of certain lessees or owners of or holders of certain rights in property for fishing purposes, to exclude the general public from fishing from such property.

Referred to the Committee on Fisheries.

By Messrs. BRADLEY and HEATHERINGTON. HOUSE BILL No. 1956.

An Act to further amend section two hundred and five of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and

compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by regulating the compensation of members of the Pennsylvania Motor Police.

Referred to the Committee on State Government.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 783. (HOUSE BILL No. 1957).

An Act to further amend the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate, and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by changing the method by which notice of the formation of a municipal authority shall be made public; further regulating incorporation purposes and existence of the authority; defining procedure whereby an authority can enter into contracts and dispose of its bonds; imposing additional qualifications and duties on members of the authority; imposing civil liability on members of the board and officers of an authority in certain cases; requiring annual audits; imposing additional duties on the court of common pleas; giving authorities right of eminent domain in certain cases; extending with certain limitations the power of Authorities to make certain purchases requiring authorities in certain cases to secure certificates of public convenience from the Public Utility Commission, imposing duties upon said commission and providing for appeals, requiring the filing of financial reports by authorities with and the approval of bond issues by the Department of Internal Affairs and conferring powers and imposing duties upon said department, restricting the appointment of members of authorities and limiting their salaries, and providing for the voluntary dissolution of authorities.

Referred to the Committee on Public Utilities.

SENATE BILL No. 178. (HOUSE BILL No. 1958).

An Act to amend paragraph four of subsection (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estates as assets for payment thereof the lien thereof of sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and

administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees thereof appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by validating the deeds heretofore accepted by fiduciaries holding mortgages in certain cases.

Referred to the Committee on Judiciary General.

SENATE BILL No. 257. (HOUSE BILL No. 1959).

An Act making an appropriation to the Nursing School of the University of Pittsburgh Pittsburgh Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 258. (HOUSE BILL No. 1960).

An Act making an appropriation to the Medical School of the University of Pittsburgh Pittsburgh Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 909. (HOUSE BILL No. 1961).

An Act to further amend section two hundred twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the appointment of minute clerks in certain courts in counties of the third class.

Referred to the Committee on Counties.

SENATE BILL No. 1297. (HOUSE BILL No. 1962).

An Act to validate and quiet the title to real estate in this Commonwealth conveyed to any person partnership or corporation authorized to hold such real estate by any alderman justice of the peace or magistrate where such alderman justice of the peace or magistrate has made acknowledgment of such conveyance before himself and is now deceased.

Referred to the Committee on Judiciary General.

(House Bill No. 1963 was introduced and referred July 7, 1941. See Journal of next day.)

By Mr. PRESLEY N. JONES HOUSE BILL No. 1964.

An Act authorizing and directing the Auditor General of the Commonwealth to make regular inspection and audit of the books, accounts and funds of all county treasurers; and requiring the Auditor General to make report of the results of such audit and inspection to various county officials.

Referred to the Committee on State Government.

SENATE BILL No. 1300. (HOUSE BILL No. 1965).

An Act to amend sections 410 and 411 of the Act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by eliminating the requirement that owners make available open public hunting areas

contiguous to regulated shooting grounds and changing shooting restrictions on shooting grounds.

Referred to the Committee on Game.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

MENTAL INSTITUTIONS

A telegram from the Council of Pittsburgh, addressed to the Speaker, opposing change of existing law which would place any part of the cost for the care of mental patients upon the city.

Referred to the Committee on Appropriations.

SCHOOLS

A communication from the Philadelphia Council of Women's Auxiliaries, CIO, Philadelphia, addressed to the Speaker, opposing passage of House Bill No. 1746, prescribing additional powers on Joint State Government Commission to make survey of educational facilities in the Commonwealth.

Referred to the Committee on Appropriations.

SOLICITORS

Communications from the Office of the County Treasurer, Chester County, favoring passage of Senate Bill No. 46, permitting county treasurers in certain counties to appoint solicitors.

Referred to the Committee on Counties.

MENTAL INSTITUTIONS

A communication from the Board of Commissioners of the County of Allegheny, opposing plan to place the maintenance of mental patients at Woodville, Allegheny County on the real estate taxpayers of this county.

Referred to the Committee on Counties.

TEACHERS

A communication from Liberty Bell Council No. 179, Junior Order United American Mechanics, Boswell, addressed to the Speaker, favoring passage of legislation providing for the dismissal of all teachers in the public schools who are sympathetic to communism or other unpatriotic and subversive groups.

Referred to the Committee on Education.

PENAL CODE

A communication from the Pennsylvania Newspaper Publishers' Association, Harrisburg, opposing passage of House Bill No. 792, amending the Penal Code, by making unlawful certain acts designated to incite, counsel or advocate racial or religious hatred.

Referred to the Committee on Judiciary Special.

VETERANS

A communication and resolution from the Department Adjutant of the Veterans of Foreign Wars of the United States, urging passage of all legislation relative to war veterans and their dependents.

Referred to the Committee on Military Affairs.

BEAUTY CULTURE SCHOOLS

Communications from citizens of Philadelphia, address-

ed to the Speaker, favoring passage of House Bill No. 1813, amending the Beauty Culture Law.

Referred to the Committee on Professional Licensure.

ARCHITECTS

A communication from the Pennsylvania Association of Architects, favoring passage of House Bill No. 1836.

Referred to the Committee on Professional Licensure.

STUDENT INTERNS

A communication from Dr. Henry J. Kaufman, Philadelphia, addressed to the Speaker, opposing passage of Senate Bill No. 575.

Referred to the Committee on Professional Licensure.

GENERAL CONTRACTORS

A communication from the Associated Pennsylvania Constructors, Harrisburg, addressed to the Speaker, opposing passage of House Bill No. 1096, establishing a state board for contractors.

Referred to the Committee on Professional Licensure.

APPROPRIATION

A communication from the Pennsylvania Association of Beauty Culture Schools, favoring passage of House Bill No. 1877, providing for an additional appropriation to the Department of Public Instruction to enforce the Beauty Culture Act.

Referred to the Committee on Professional Licensure.

FEDERAL UNION OF DEMOCRACIES

Communication from citizens of Pennsylvania, addressed to the Speaker favoring passage of the Woodring Resolution for the creation of a Federal Union of Democracies.

Referred to the Committee on Rules.

UN-AMERICAN ACTIVITIES

A communication from the Chester County Association Jr. O. U. A. M., Spring City, addressed to the Speaker, favoring passage of legislation relating to Un-American activities.

Referred to the Committee on Rules.

RENTS

A communication from the North Philadelphia Chamber of Commerce, addressed to the Speaker, favoring passage of House Bill No. 1440, creating a State Emergency Rent Commission.

Referred to the Committee on State Government.

EMPLOYMENT

A communication from Mr. and Mrs. F. Stein and family, Philadelphia, addressed to the Speaker, opposing passage of House Bill No. 413.

A telegram from M. David Treatman, Editor of We The Blind favoring passage of Senate Bill No. 50.

Referred to the Committee on State Government.

STATE EMPLOYES RETIREMENT SYSTEM

A telegram from John W. Rankin, Department Commander, Veterans of Foreign Wars, addressed to the Speaker, favoring passage of House Bill No. 1899, creat-

ing a Joint Legislative Commission to study and investigate the State Employees Retirement System.

Referred to the Committee on State Government.

YOUTH CORRECTION AUTHORITY

A communication from Ralph C. Busser, Jr., Philadelphia, addressed to the Speaker, favoring passage of legislation creating a Youth Correction Authority for Pennsylvania.

Referred to the Committee on Welfare.

BLIND

A communication from Charles McGlochlin, Wilkesburg, opposing passage of Senate Bills Nos. 508 and 509, providing aid to the blind.

Referred to the Committee on Welfare.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 7, 1941.

Resolved (if the Senate concur), that House Bill No. 1543, Printer's No. 1075, entitled "An act providing a method for supplying perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect making such records competent legal evidence prescribing fees and imposing certain duties upon the orphans' court and the Bureau of Vital Statistics of the Department of Health," be recalled from the Governor for further consideration.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 266.

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania

HOUSE BILL No. 301.

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

HOUSE BILL No. 371.

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation

HOUSE BILL No. 753.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire certain land adjacent to and for the use of the Scranton State Hospital providing for the improvement and use thereof authorizing the City of Scranton to pay the costs of such improvements in whole or in part and making an appropriation

HOUSE BILL No. 489.

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of

and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School of Medicine

HOUSE BILL No. 1036.

An Act to amend subsection (b) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent the natural parent shall retain his or her status as such and shall for purposes of inheritance and devolution be regarded as an adopting parent

HOUSE BILL No. 1177.

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by allocating fees for inspection certificates for promoting of highway safety

HOUSE BILL No. 1529.

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing additional routes to be used as a part of the national defense program in the County of Cambria

HOUSE BILL No. 1542.

An Act to amend route 55121 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out

the provisions of said act" changing a route in the County of Somerset

HOUSE BILL No. 1631.

An Act authorizing and directing the Department of Highways to erect construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum Allegheny County and a point in Westmoreland County and to provide the necessary approaches and connections with State highways providing for the acceptance of Federal aid empowering counties to pay certain damages and making an appropriation

HOUSE BILL No. 1663.

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W P A Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation

HOUSE BILL No. 1665.

An Act to amend section six hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by providing that said section shall not apply to certain games or devices where free plays are given or allowed and providing that such free plays shall not be considered things of value

HOUSE BILL No. 1719.

An Act to add clause (k) to section two thousand one hundred two and to repeal clause (d) of section two thousand one hundred ten of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health to conform with the provisions of the Public Utility Law

HOUSE BILL No. 1720.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

HOUSE BILL No. 1721.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare, to acquire a certain tract of land for the use of Pennsylvania Industrial School, and making an appropriation therefor.

HOUSE BILL No. 1765.

An Act repealing and abandoning as a State highway State highway Route 03123 in Armstrong County and providing for the reversion thereof to the township.

HOUSE BILL No. 1798.

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

HOUSE BILL No. 1802

An Act providing for and requiring in certain cases preference in appointments to public position for honorably discharged persons who served in the military or naval service during any War in which the United States was engaged.

HOUSE BILL No. 1825.

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth

HOUSE BILL No. 1826.

An Act to amend part of section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" changing a certain route in the City of Johnstown.

HOUSE BILL No. 1827.

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters and for the landscaping thereof

With the information that the Senate passed the same without amendment.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. WALTER E. ROSE for himself for the remainder of the week after today.

Mr. CULLEN for himself for the remainder of the week after today.

Mr. GROSS for himself for the remainder of the week after today's session.

REPORTS FROM COMMITTEES

Mr. CHERVENAK, from the Committee on Counties, reported as committed, House Bill No. 1833, entitled:

An Act to amend section five of the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (P. L. 53), entitled "An act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part for the care and treatment of mental patients; and repealing inconsistent laws," by further prescribing certain rights of employees and officers of institutions acquired by the Commonwealth.

Mr. O'CONNOR, from the Committee on Judiciary General, reported as committed, House Bill No. 1962, (Senate Bill No. 1297), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth conveyed to any person partnership or corporation authorized to hold such real estate by any alderman justice of the peace or magistrate where such alderman justice of the peace or magistrate has made acknowledgment of such conveyance before himself and is now deceased.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1851, entitled:

An Act to amend sections three thousand seven hundred nineteen four thousand four hundred one and four thousand four hundred two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by extending civil service provisions to include park guards.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1687, entitled:

An Act to further amend section four of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employees of said cities, and regulating the administration and the payment of such pensions," by further regulating the allowance of pensions to certain persons heretofore or hereafter dismissed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1806, (Senate Bill No. 801), entitled:

An Act to validate and confirm certain contracts, heretofore entered into by boards of school directors, where there is no evidence of fraud or conspiracy, and to authorize, ratify, confirm, and validate payments on such contracts by the school district.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1963, entitled:

An Act to add clause (i) to section seven hundred and four of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special, and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners, imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by adding rule for determining residence in case of electors compelled to remove from their place of residence by agencies or bodies having right of eminent domain or acquiring property for carrying out National defense programs.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 248, entitled:

An Act authorizing taxpayers in cities of the second class A to inspect the books and records of such cities at any reasonable time and prescribing a procedure for enforcing such right of inspection.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1952, entitled:

An Act fixing the salary of the Parliamentarian of the House of Representatives.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1930, entitled:

An Act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire by gift the monument erected in Green County to Sarah Jane Price Ackley and providing for the control management supervision and maintenance thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1831, entitled:

An Act to further amend section twenty-one of the act approved the seventh day of June one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal

permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by directing the Department of Health to maintain branch offices in counties of the second class for the filing of death certificates authorizing such offices to issue certified copies of death certificates and make searches of their files imposing additional duties upon local registrars in such counties and prescribing fees.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1895, entitled:

An Act to amend section five of the act, approved the fourth day of April, one thousand nine hundred twenty-nine (P. L. 144), entitled "An act prescribing the powers and duties of the Department of Agriculture with regard to farm products; providing for co-operation with the Department of Internal Affairs to establish standard receptacles for farm products; authorizing the Department of Agriculture to establish and promulgate standards for the grade and other classification of farm products, and to promulgate regulations for the enforcement thereof; defining farm products to include agricultural, horticultural, vegetable, fruit, and floricultural products of the soil, live stock and meats, wool, hides, poultry, eggs, dairy products, nuts, mushrooms, and honey; and providing penalties," by including certificates of the United States Department of Agriculture as evidence of grade and classification.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1733, (Senate Bill No. 262), entitled:

A Supplement to the act approved the twelfth day of June one thousand nine hundred and thirty-nine (P. L. 335) entitled "An act creating a temporary commission to examine report upon and recommend measures to improve the economic cultural health and living conditions of the urban colored population of the State and making an appropriation of the expenses of such commission" by extending the term of such commission until the next regular session of the General Assembly and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1903, (Senate Bill No. 1173), entitled:

An Act authorizing the Department of Property and Supplies to purchase coal underlying the Cresson State Sanatorium and making an appropriation therefor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1754, (Senate Bill No. 509), entitled:

An Act making an appropriation to the State Council for the Blind for use in supplying medical treatment, surgical operations, eyeglasses or other necessary aids or services to needy blind person or persons with impaired vision.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1894, (Senate Bill No. 935), entitled:

An Act to amend sections six hundred four, six hundred five, and six hundred seven and to further amend section two thousand four hundred seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further defining the duties of the Department of Internal Affairs.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1891, (Senate Bill No. 1019), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphan School to acquire a certain tract of land for the use of said school and making an appropriation therefor.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GERARD. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1674, (Senate Bill No. 374), entitled:

An Act to provide for the settlement of disputes among states with respect to domiciliary death taxes, and imposing certain duties upon the Department of Revenue, the Attorney General and executors and administrators.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1821, (Senate Bill No. 77), entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by exempting assets held by liquidating trustees.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1734, (Senate Bill No. 618), entitled:

An Act to further amend section two of the act, approved the sixteenth day of June, one thousand nine hundred thirty-three (P. L. 252, 1933-34), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers providing penalties; and repealing existing acts," by permitting clubs to waive or reduce dues payable by members in military service.

The first section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. LICHTENWALTER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title page two line 3 by inserting after the word "reduce" the words "or pay."

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1732, (Senate Bill No. 619), entitled:

An Act to further amend section two of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties," by permitting clubs to waive or reduce dues payable by members in military service.

The first section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. LICHTENWALTER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title page two line 6 by inserting after the word "reduce" the words "or pay."

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1926, (Senate Bill No. 457), entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by enabling the Department of Public Assistance to take measures to rehabilitate persons receiving assistance.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1922, (Senate Bill No. 464), entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to Mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by changing the residence requirement for general assistance.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1935, entitled:

An Act to further amend clause six of section one and section three of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining "State employee" so as to include certain employees of the Board of Fish Commissioners providing that such employees shall have the option of joining the State Employees Retirement Association and permitting their membership in such association to be retroactive upon the making of certain back payments by them and by the Board of Fish Commissioners

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 629, entitled:

An Act to amend section one of and to add section three and one-tenth to the act approved the twentieth day of June one thousand nine hundred and one (P. L. 582) entitled "An act to provide for the registration of labels trade-marks trade names stamps designs devices shopmarks terms brands designations descriptions or forms of advertisement and protect and secure the rights property and interest therein of the persons copartnerships or corporations adopting and filing the same and providing penalties for the violations of the act" further regulating the registration of labels trade-marks trade-names devices shopmarks designations and forms of advertisement and providing for the cancellation of such registrations in certain cases

The first section was read.
On the question,
Will the House agree to the section?
Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.
The amendments were read by the Clerk as follows:
Amend Sec. 1 (Sec. 1), page 3, line 22, by inserting a lightface bracket before the word "one" and after the word "dollar"
Amend Sec. 1 (Sec. 1), page 3, line 22, by inserting after the word "dollar" the following: "five dollars."
Amend Sec. 1 (Sec. 1), page 3, line 26, by inserting a lightface bracket before the word "one" and after the word "dollar"
Amend Sec. 1 (Sec. 1), page 3, line 26, by inserting after the word "dollar" the following: "five dollars."
The amendments were agreed to.
The section was agreed to as amended.
The second section and title were separately read and agreed to.
And said bill having been read at length the second time and agreed to as amended.
Ordered, To be transcribed for a third reading.
Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1822, (Senate Bill No. 158), entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of certain soldiers, sailors, marines, female field clerks, yeomen (female) and nurses.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1929, Senate Bill No. 1098, Printer's No. 553, was passed over at the request of the SPEAKER.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1899, (Senate Bill No. 1029), entitled:

An Act authorizing the Joint State Government Commission to make a thorough study and investigation of the State Employees' Retirement System providing for the employment of necessary clerks and assistants authorizing the subpoenaing of witnesses and records and making an appropriation

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR PASSED OVER

There being no objection House Bill No. 1513, Printer's No. 1088, was passed over at the request of the SPEAKER.

BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 803, as follows:

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by prohibiting certain persons from permitting or employing minors under eighteen years of age to sing dance act or exhibit in any place where wines or spirituous or malt liquors are sold or given away or any place connected therewith and prohibiting certain persons from permitting or employing minors under eighteen years of age to sing dance act or exhibit in any dance hall or dance house prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended to read as follows

Section 643 Employment of Minors in Places Where Wines or Spirituous or Malt Liquors Are Sold or Given Away and in Dance Halls [in Dance Houses] [Theatres and Saloons] (a) Whoever having the care custody or control of any minor under the age of [fifteen (15) eighteen (18) years [sells gives away or] permits or being a proprietor or manager employs or permits such child to sing dance act or exhibit in any [dance] [house or in any concert saloon [theatre] theatre or place of entertainment] place where wines or spirituous or malt liquors are sold or given away or any place connected therewith by any passage-way or entrance [or being the proprietor of any dance house or any such concert saloon theatre] [or place of entertainment employs any such minor] where wines or spirituous or malt liquors are sold or given away is guilty of a misdemeanor and upon conviction thereof [in a summary proceeding] shall be sentenced to pay a fine not exceeding [one] two hundred dollars [(\$100)] (\$200) in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding [three (3)] six (6) months

(b) Whoever having the care custody or control of any minor under the age of eighteen (18) years permits or being a proprietor or manager employs or permits any such child to sing dance act or exhibit in any dance hall or dance house is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars (\$100) and in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding three (3) months

(c) Whoever being a minor shall misrepresent his or her age for the purpose of evading the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding twenty-five dollars (\$25) and in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding one (1) month

Section 2 This act shall become effective immediately upon its final enactment

On the question,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gates,	Malloy,	Royer,
Baker,	Gerard,	Maxwell,	Rush,
Balthaser,	Gillan,	McClanaghan	Urge,
Bentley,	Gillette,	McClester,	Sarra,
Bentzel,	Goodwin,	McDermott	Scanlon,
Boles,	Greenwood,	McDowell	Schwab,
Boney,	Gross,	McFall	Serrill,
Boorse,	Gryskewicz,	McGrath	Shaffer,

Bower,	Gyger,	McIntosh	Shepard,
Bradley,	Habbyshaw,	McKinney,	Snyder,
Bretherick,	Haberlen,	McLanahan	Sollenberger,
Brown,	Haines,	McMillen,	Sorg,
Brunner, C. H.,	Hall,	McSurdy,	Stank,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stine,
Burns,	Hare,	Mihm,	Stockham,
Burris,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenak,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Helm,	Moul,	Thompson, R. L.,
Cohen, R. E.,	Hering,	Muir,	Trout,
Cook,	Herman,	Munley,	Turner,
Cooper,	Hersch,	Nagel,	Van Allsburg,
Cordier,	Hewitt,	Nunemacher	Verona,
Croop,	Hirsch,	O'Brien,	Vincent,
Cullen,	Holland,	O'Connor,	Vogt,
Dalrymple,	Huntley,	O'Dare,	Voldow,
DiGenova,	Imbrie,	O'Mullen,	Wagner,
Dix,	James,	O'Neill,	Watkins,
Dolon,	Jefferson,	Owens,	Weingartner,
D'Ortona,	Jones, G. E.,	Petrosky,	Weiss,
Duffy,	Jones, P. N.,	Pettit,	Welsh, E. E.,
Early,	Keenan,	Polaski,	Welsh, M. J.,
Eckels,	Kenehan,	Polen,	Wilkinson,
Elder,	Kline,	Powers,	Williams,
Elliot,	Knoble,	Prosen,	Winnor,
Ely,	Kolankiewicz,	Rank,	Wolf,
Falkenstein,	Krise,	Readinger,	Wood, L. H.,
Finestone,	Lee, E. A.,	Reagan,	Wood, N.,
Finnerty,	Lep, T. H.,	Reese, R. E.,	Woodring,
Fisher,	Lelsey,	Regan,	Woodside,
Fiss,	Leonard,	Reynolds,	Wright,
Fleming,	Lesko,	Rhea,	Yeakel,
Fletcher,	Levy,	Riley,	Yester,
Flynn,	Lichtenwalter,	Rooney,	Young,
Foor,	Longo,	Rose, S.,	Kilroy,
French,	Lovett	Rose, W. E.,	Speaker.
Gallagher,	Lyons,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1323, as follows:

An Act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for the conveyance by said city of Wildwood Park to the Commonwealth providing for the transfer of said park to the Department of Forests and Waters and the use thereof by the department as a State park and by other departments boards and commissions for their respective purposes and providing that such exchange of property shall not be effected unless and until a suitable additional building is made available for use by the Department of Military Affairs as an arsenal or as an administrative building

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the consent of the Department of Military Affairs and subject to the approval of the Governor is hereby empowered to sell and convey all of the grounds buildings utilities or other facilities of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for a grant and conveyance by the City of Harrisburg of two thousand five hundred acres more or less of woodland in Susquehanna Township northeast of said city now known as "Wildwood Park" Before such exchange of conveyances shall be made the title to Wildwood Park acquired by the Commonwealth shall be approved by the Department of Justice

Section 2 The Department of Military Affairs is hereby authorized to take and remove the fence now surrounding the property of the Pennsylvania State Arsenal for use on other property subject to the control of the Department of Military Affairs and to transfer all State and Federal supplies that may be now stored in the arsenal to other property under the control of the department In the event such removal or transfer have not been effected prior to the conveyance hereinbefore authorized such conveyance shall be made subject to the right of the Department of Military Affairs to remove the same

Section 3 The property at Wildwood Park to be acquired by the Commonwealth shall be transferred to the Department of Forests and Waters which shall maintain the same as a State park and shall have power by inter-departmental agreements to permit the use of any portions thereof by any other department board or commission of the State government for use in connection with the activities administered by such departments boards or commissions

Section 4 The act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 671) entitled "An act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell or exchange and convey the property of the Pennsylvania State Arsenal at Harrisburg appropriating the proceeds thereof to the Department of Military Affairs and providing for the construction of an arsenal or warehouse on the military reservation at Indiantown Gap and for the removal of State and Federal supplies there-to" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of this act shall become effective immediately upon final enactment but the exchange of property hereinbefore authorized shall not be effected until and unless a suitable additional building is made available for use by the Department of Military Affairs either as an arsenal or as an administrative building

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Baithaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burris,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolon,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Weiss,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. E.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
		Polaski,	

Eckels,	Keenan,	Polen,	Wilkinson,
Elder,	Kenehan,	Powers,	Williams,
Elliot,	Kilne,	Prosen,	Winner,
Ely,	Knoble,	Rank,	Wolf,
Falkenstein,	Kolankiewicz,	Readinger,	Wood, L. H.,
Finestone,	Krise,	Reagan,	Wood, N.,
Finnerty,	Lee, E. A.,	Reese, R. E.,	Woodring,
Fisher,	Lee, T. H.,	Regan,	Woodside,
Fiss,	Lelsey,	Reynolds,	Wright,
Fleming,	Leonard,	Rhea,	Yeakel,
Fletcher,	Lesko,	Riley,	Yester,
Flynn,	Levy,	Rooney,	Young,
Foor,	Lichtenwalter,	Rose, S.,	Kilroy,
French,	Longo,	Rose, W. E.,	Speaker.
	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1676, as follows:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P L 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by defining and making further provision relative to the use of "man lift" elevators

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the second day of May one thousand nine hundred and twenty-nine (P L 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" as reenacted by the act approved the eighth day of April one thousand nine hundred and thirty-seven (P L 277) is hereby amended to read as follows

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act "Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Elevator" shall mean all the machinery construction apparatus and equipment used in raising and lowering a car cage or platform vertically between permanent rails or guides and shall include all elevators dumb-waiters escalators gravity elevators hoists and other lifting or lowering apparatus

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public access except private dwellings

"Freight elevator" shall mean an elevator constructed and used for the carrying of materials

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect elevators and lifting apparatus in this Commonwealth

"Passenger elevator" shall mean an elevator constructed and used for carrying persons

"Man lift" shall mean that type of elevator which operates by an endless vertical belt which revolves over fixed pulleys at the top and bottom limits of travel and to which steps and hand holds are attached so that persons may ride thereon

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

Wherever the singular is used in this act it shall include the plural and wherever the masculine gender is used it shall include the feminine and neuter

Section 2 Section two of the said act as reenacted and amended by the act approved the eighth day of April one thousand nine hundred and thirty-seven (P. L. 277) is hereby further amended to read as follows:

Section 2 General Requirement Every elevator as described in section one of this act shall be so constructed equipped maintained and operated with respect to the supporting members elevator car shaftway guides cables doors and gates safety stops and mechanisms locking mechanisms electrical apparatus and wiring mechanical apparatus counterweights and all other appurtenances as to safely sustain the load which the said elevator is designed and intended to carry

No certificate of operation for any "man lift" shall be refused or suspended unless such elevator is found to have been incorrectly installed to be mechanically defective or to be operating under some unnecessary hazard

Section 3 Sections three eight and nine of said act as reenacted by the act approved the eighth day of April one thousand nine hundred and thirty-seven (P. L. 277) are hereby amended to read as follows:

Section 3 Rules and Regulations To carry out the provisions and the intent and purpose of this act the department shall have power and its duty shall be to make alter amend or repeal rules and regulations for the construction installation maintenance operation and inspection of elevators used or destined for use in this Commonwealth and shall make specifications for the construction and equipment of such elevators No elevator shall be permitted to be installed and used in this Commonwealth which does not comply with the rules and regulations herein provided for

No rules and regulations shall be adopted prohibiting the use of man lifts except only when such man lifts are found to have been incorrectly installed to be mechanically defective or to be operating under some unnecessary hazard

Section 8 Issuance of Certificates Every inspector shall forward to the department a full report of each and every inspection made of any elevator showing the exact condition of the said elevator If this report indicates that the said elevator is in a safe condition to be operated the department shall issue a certificate of operation for a capacity not to exceed that named in the said report of inspection which certificate shall be valid for thirteen months after the date of inspection No elevator may be lawfully operated without having such a certificate conspicuously posted in the elevator car cage or platform or adjacent to one of the entrances to such elevator

Section 9 Discontinuance of Operation If any elevator be found which in the judgment of an inspector in employ of the department is dangerous to life and property or is being operated without the operating certificate required by this act such inspector may require the owner or user of such elevator to discontinue its operation within twenty-four hours and such inspector shall immediately report all facts in connection with such elevator to the department and he shall place a notice in the elevator car to this effect In the event a certificate has been issued for such elevator the said certificate shall be suspended and not renewed until such elevator shall have been placed in a safe condition In such case where an elevator has been placed out of service the owner or user of such elevator shall not again operate the same until repairs have been made and permission given by the said inspector to resume operation of the said elevator

Section 4 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lovett,	Rose, S.,
Baker,	Gates,	Lyons,	Rose, W. E.,
Balthaser,	Gerard,	Malloy,	Royer,
Bentley,	Gillan,	Maxwell,	Rush,
Bentzel,	Gillette,	McClanaghan,	Sarge,
Boles,	Goodwin,	McClester,	Sarra,
Boney,	Greenwood,	McDermott,	Scanlon,
Boorse,	Gross,	McDowell,	Schwab,
Bower,	Gryskewicz,	McFall,	Serrill,
Bradley,	Gyger,	McGrath,	Shaffer,
Bretherick,	Habbyshaw,	McIntosh,	Shepard,
Brown,	Haberlen,	McKinney,	Snyder,
Brunner, C. H.,	Haines,	McLanahan,	Sollenberger,
Brunner, P. A.,	Hall,	McMillen,	Sorg,
Burns,	Hamilton,	McSurdy,	Stank,
Burris,	Hare,	Melchiorre,	Stine,
Cadwalader,	Harkins,	Mihm,	Stockham,
Chervenak,	Harmuth,	Modell,	Tarr,
Chudoff,	Harris,	Monks,	Tate,
Cohen, M. M.,	Heatherington,	Mooney,	Taylor,
Cohen, R. E.,	Helm,	Moran,	Thompson, E. F.,
Cook,	Hering,	Moul,	Thompson, R. L.,
Cooper,	Herman,	Muir,	Trout,
Cordier,	Hersch,	Munley,	Turner,
Croop,	Hewitt,	Nagel,	Van Allsburg,
Cullen,	Hirsch,	Nunemacher,	Verona,
Dalrymple,	Holland,	O'Brien,	Vincent,
DiGenova,	Huntley,	O'Connor,	Vogt,
Dix,	Imbrie,	O'Dare,	Voldow,
Dolon,	James,	O'Mullen,	Wagner,
D'Ortona,	Jefferson,	O'Neill,	Watkins,
Duffy,	Jones, G. E.,	Owens,	Weingartner,
Early,	Jones, P. N.,	Petrosky,	Welss,
Eckels,	Keenan,	Pettit,	Welsh, E. B.,
Elder,	Kenehan,	Polaski,	Welsh, M. J.,
Elliot,	Kline,	Polen,	Wilkinson,
Ely,	Knoble,	Powers,	Williams,
Falkenstein,	Kolankiewicz,	Prosen,	Winner,
Finestone,	Krise,	Rank,	Wolf,
Finnerty,	Lee, E. A.,	Readinger,	Wood, L. H.,
Fisher,	Lee, T. H.,	Reagan,	Wood, N.,
Fiss,	Lelsey,	Reese, R. E.,	Woodring,
Fleming,	Leonard,	Regan,	Woodside,
Fletcher,	Lesko,	Reynolds,	Wright,
Flynn,	Levy,	Rhea,	Yeakel,
Foor,	Lichtenwalter,	Riley,	Yester,
French,	Longo,	Rooney,	Young,
			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1107, (Senate Bill No. 51), as follows:

An Act authorizing and empowering school districts with the consent and approval of the Superintendent of Public Instruction to furnish food including milk to undernourished and poor school children in their districts and providing that the acceptance and distribution of surplus commodities furnished by the Federal Government shall not be affected or limited thereby

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the directors of the school districts with the consent and approval of the Superintendent of Public

Instruction be and they are hereby authorized and empowered to furnish food including milk to the undernourished and poor school children attending the schools within their several districts at the expense of the school district. The provisions of this act shall not limit or affect the acceptance and distribution by school directors of surplus commodities made available by the Federal Government

Section 2 The provisions of this Act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burris,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolon,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Welss,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Kenehan,	Polen,	Williams,
Elliot,	Kline,	Powers,	Winner,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. F.
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fiss,	Lelsey,	Regan,	Wright,
Fleming,	Leonard,	Reynolds,	Yeakel,
Fletcher,	Lesko,	Rhea,	Yester,
Flynn,	Levy,	Riley,	Young,
Foor,	Lichtenwalter,	Rooney,	Kilroy,
French,	Longo,	Rose, S.,	Speaker.
		Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1653, (Senate Bill No. 587), entitled:

An Act to amend section three hundred six of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017) entitled "An act

creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare, and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts in counties of the third class.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed Calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1474, (Senate Bill No. 365), entitled:

An Act to provide that notices to delinquent taxpayers or statements of such delinquents and the publication of municipal liens or notices thereof shall not be required of the receivers of taxes or of the city solicitor and repealing inconsistent legislation.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMENDED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommended to the Committee on Cities Third Class, for the purpose of further study.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1790, (Senate Bill No. 806), entitled:

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating sabbatical leaves for certain school employees.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanahan,	Sarras,
Bentzel,	Gillette,	McClester,	Scanlon,
Boies,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Hall,	McMillen,	Stank,
Brunner, P. A.,	Haines,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burris,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolon,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Wells,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Kenehan,	Polen,	Williams,
Elliott,	Kline,	Powers,	Winner,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. H.,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fiss,	Lelsey,	Regan,	Wright,
Fleming,	Leonard,	Reynolds,	Yeakel,
Fletcher,	Lesko,	Rhea,	Yester,
Flynn,	Levy,	Riley,	Young,
For.	Lichtenwalter,	Rooney,	Kilroy,
French,	Longo,	Rose, S.,	Speaker.
	Lovett,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1476, (Senate Bill No. 459), entitled:

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this Act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burris,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolon,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Weiss,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Kenahan,	Polen,	Williams,
Elliot,	Kline,	Powers,	Winnor,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. H.,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fiss,	Lelsey,	Regan,	Wright,
Fleming,	Leonard,	Reynolds,	Yeakel,
Fletcher,	Lesko,	Rhea,	Yester,
Flynn,	Levy,	Riley,	Young,
Foor,	Lichtenwalter,	Rooney,	Kilroy,
French,	Longo,	Rose, S.,	
	Lovett,	Rose, W. E.,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1757, (Senate Bill No. 508), entitled:

An Act to amend section two thousand three hundred twenty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and com-

missions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by authorizing the State Council for the Blind to furnish certain aids and services to needy blind persons or persons with impaired vision for the purpose of restoring or improving their vision and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Rose, W. E.,
Baker,	Gates,	Malloy,	Royer,
Balthaser,	Gerard,	Maxwell,	Rush,
Bentley,	Gillan,	McClanaghan,	Sarge,
Bentzel,	Gillette,	McClester,	Sarra,
Boles,	Goodwin,	McDermott,	Scanlon,
Boney,	Greenwood,	McDowell,	Schwab,
Boorse,	Gross,	McFall,	Serrill,
Bower,	Gryskewicz,	McGrath,	Shaffer,
Bradley,	Gyger,	McIntosh,	Shepard,
Bretherick,	Habbyshaw,	McKinney,	Snyder,
Brown,	Haberlen,	McLanahan,	Sollenberger,
Brunner, C. H.,	Haines,	McMillen,	Sorg,
Brunner, P. A.,	Hall,	McSurdy,	Stank,
Burns,	Hamilton,	Melchiorre,	Stine,
Burris,	Harkins,	Mihm,	Stockham,
Cadwalader,	Harmuth,	Modell,	Tarr,
Chervenak,	Harris,	Monks,	Tate,
Chudoff,	Heatherington,	Mooney,	Taylor,
Cohen, M. M.,	Helm,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Moul,	Thompson, R. L.,
Cook,	Herman,	Muir,	Trout,
Cooper,	Hersch,	Munley,	Turner,
Cordier,	Hewitt,	Nagel,	Van Allsburg,
Croop,	Hirsch,	Nunemacher,	Verona,
Cullen,	Holland,	O'Brien,	Vincent,
Dalrymple,	Huntley,	O'Connor,	Vogt,
DiGenova,	Imbrie,	O'Dare,	Voldow,
Dix,	James,	O'Mullen,	Wagner,
Dolon,	Jefferson,	O'Neill,	Watkins,
D'Ortona,	Jones, G. E.,	Owens,	Weingartner,
Duffy,	Jones, P. N.,	Petrosky,	Weiss,
Early,	Keenan,	Pettit,	Welsh, E. B.,
Eckels,	Kenahan,	Polaski,	Welsh, M. J.,
Elder,	Kline,	Polen,	Wilkinson,
Elliot,	Knoble,	Powers,	Williams,
Ely,	Kolankiewicz,	Prosen,	Winnor,
Falkenstein,	Krise,	Rank,	Wolf,
Finestone,	Lee, E. A.,	Readinger,	Wood, L. H.,
Finnerty,	Lee, T. H.,	Reagan,	Wood, N.,
Fisher,	Lelsey,	Reese, R. E.,	Woodring,
Fiss,	Leonard,	Reynolds,	Woodside,
Fleming,	Lesko,	Rhea,	Wright,
Fletcher,	Levy,	Riley,	Yeakel,
Flynn,	Lichtenwalter,	Regan,	Yester,
Foor,	Longo,	Rooney,	Young,
French,	Lovett,	Rose, S.,	Kilroy,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1782, (Senate Bill No. 785), entitled:

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational education; and making provision for additional types of vocational education for which funds may be provided by Congress.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1549, (Senate Bill No. 241), entitled:

An Act to further amend section two thousand six hundred and four of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the audit of accounts of fourth class school districts by the borough or township controller or auditors.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1866, (Senate Bill No. 905), entitled:

An Act to further amend clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rents leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and ad-

vantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustees to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" extending the provisions of said act to cases where real estate is held by entireties and the one spouse has been declared weak-minded or mentally incompetent.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed Calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1481, (Senate Bill No. 236), entitled:

An Act to amend section six hundred fifty-four of article six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for appeals from any classification rule rate or schedule of the Insurance Commissioner affecting insurance of employees and employers under the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto and exempting the State Workmen's Insurance Fund from the control of the Rating Bureau and the Insurance Commissioner

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.
The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1888, (Senate Bill No. 1186), entitled:

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen; and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.
The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill 1792, (Senate Bill No. 994), entitled:

An Act making an appropriation to the Thomas Jefferson Bicentennial Commission of Pennsylvania

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.
The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1807, (Senate Bill No. 1006), entitled:

An Act to amend Route 18033 established by amendment to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.
The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1746, (Senate Bill No. 559), entitled:

An Act prescribing additional powers and duties on the Joint State Government Commission to make a survey of the educational facilities of the Commonwealth conferring upon the commission full power to issue subpoenas to carry out such additional functions and duties and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued imposing duties on departments and agencies of the State government and on colleges and universities and making an appropriation

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.
The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1890, (Senate Bill No. 823), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employees of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended, by further providing for the eligibility of directors or trustee of incorporated institutions and further providing for the powers liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employees of such corporations and persons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections five hundred two six hundred eight and one thousand eleven of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for

the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employees of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows Sections one thousand one and one thousand two hundred two as last amended by the act approved the eleventh day of June one thousand nine hundred and thirty-five (P. L. 306) and Sections four hundred eleven four hundred twelve seven hundred one thousand two hundred eight Subsection A clause eight and one thousand two hundred nine as last amended by the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (P. L. 349) are hereby further amended to read as follows

Section 411 Increase of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to increase its authorized capital in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company except that written notice of a proposed amendment for increasing the authorized capital of the institution shall be given to each shareholder entitled to vote thereon at least sixty days prior to such meeting and except that a proposed amendment for increasing the authorized capital of the institution shall be adopted by the holders of at least a majority in amount of the aggregate par value of the outstanding shares entitled to vote at such meeting and by the holders of at least a majority in number of the outstanding shares entitled to vote at such meeting

Such increase of authorized capital shall however become invalid and inoperative unless the actual increase of capital which is authorized shall be made within one year from the date of the issuance of the certificate of amendment If any portion of such authorized capital shall be created and issued within such one-year period only such portion as remains unissued within such period shall become invalid and inoperative In the case of a bank a bank and trust company or a trust company which upon the effective date of this act has an authorized capital which exceeds the par value of its outstanding shares such one-year period shall date from the effective date of this act Such actual increase may be made from time to time within such period of one year but no such increase shall be made until the shares shall be paid for in full pursuant to the provisions of this act as to the creation or issuance of any share Such increase may however be made by the declaration of a share dividend in accordance with the provisions of this act concerning such share dividends

However a bank a bank and trust company or a trust company may issue common shares to provide for the concurrent retirement of shares of any class other than common shares The issuance of such common shares shall be subject to all of the requirements for and limitations upon the issuance of common shares prescribed by this act except that if such common shares are issued pursuant to the declaration of a share dividend with the approval of the Department of Banking and in accordance with the provisions of this act concerning such share dividends and if such issuance of common shares shall not effect an increase or decrease of capital no meeting of the shareholders nor their vote need be required The bank the bank and trust company or the trust company shall upon effecting such issuance of common shares and the retirement of shares of another class file articles of amendment in the manner provided in this act except that such articles need not state that advertisement has been made or notice given or action taken by the shareholders

B Except as otherwise specifically provided in this act a common share shall not be issued pursuant to such increase for a consideration of less than the par value of such share plus fifty per centum thereof unless a share can be issued for a consideration less than such amount without reducing the surplus of the bank the bank and trust company or the trust company below one hundred per centum of the capital as increased but in no case shall such share be created or issued for a consideration which is less than the par value thereof

C The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the shares were issued pursuant to such increase but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld

Section 412 Decrease of Authorized Capital A A bank a bank and trust company or a trust company may amend its articles to decrease its authorized capital either by reducing pro rata the number of its shares of any class or classes or by reducing the par value of the shares of any class or classes provided however every share shall have the same par value as every other share of the same class or by both such methods in the same manner and with the same approval as is required by this act for any amendment to the articles of a bank a bank and trust company or a trust company but the capital of a bank a bank and trust company or a trust company shall not be decreased to an amount below the minimum prescribed by this act for the incorporation at the time of such decrease of such bank bank and trust company or trust company as the case may be in the particular city borough or township plus such amount of capital if the bank the bank and trust company or the trust company maintains and operates a branch or is authorized by the articles or otherwise to maintain and operate a branch as is required by this act for the establishment of branches

B The responsibility for the contracts debts or engagements of the bank bank and trust company or trust company to which its common shareholders are subject upon the date when the certificate of amendment is issued shall continue for one year thereafter

C Any capital gains resulting from such decrease of the authorized capital of a bank a bank and trust company or a trust company shall forthwith be transferred to the surplus of such bank bank and trust company or trust company or it may with the approval of the department be returned to the shareholders in the form of a cash dividend provided that the surplus of the institution after the payment of such cash dividend equals at least one hundred per centum of the resulting capital Nothing in this paragraph shall be construed to prohibit a bank a bank and trust company or a trust company from effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares with the approval of the department even though the surplus of the institution after the retirement of such shares does not equal at least one hundred per centum of the resulting capital

This section shall not be construed to prohibit a bank a bank and trust company or a trust company from effecting the retirement of shares of any class other than common shares from earnings reserved for that purpose in accordance with the provisions of its articles if at the same time and with the approval of the department a dividend is declared and paid in common shares of an aggregate par value equal to the aggregate par value of the shares so retired

D Upon effecting a decrease in its authorized capital a bank a bank and trust company or a trust company shall issue to its shareholders new share certificates setting forth any changes in the par value of each share issued in exchange for the outstanding shares of such shareholders which shall then be cancelled However in the case of any decrease in its authorized capital by the retirement

of shares of any class other than common shares pursuant to the provisions of its articles of incorporation a bank a bank and trust company or a trust company, shall not be required to effect the exchange of share certificates until the last of the shares of such class shall have been retired. The bank the bank and trust company or the trust company may withhold any cash or share dividend due on a share certificate which has not been exchanged within six months after the date upon which the certificate of amendment authorizing the decrease in authorized capital was issued but upon the shareholder's thereafter exchanging such certificate the bank the bank and trust company or the trust company shall pay to him any dividends which were thus withheld.

E Upon effecting a decrease in its authorized capital by the retirement of shares of any class other than common shares without a vote of its shareholders pursuant to the provisions of its articles of incorporation a bank a bank and trust company or a trust company shall at the time of such decrease file articles of amendment in the manner provided by this act except that such articles need not state that advertisement has been made or notice given or action taken by the shareholders. Such articles which set forth the final retirement of shares of the particular class may also include an amendment for the striking out of such designations preferences qualifications privileges limitations options conversion rights and other special rights including such control over management as applied to such class of shares.

Section 502 Term of Office and Qualification of Directors and Trustees A The business and affairs of every incorporated institution shall be managed in the case of a bank a bank and trust company or a trust company by a board of not less than five nor more than twenty-five directors and in the case of a savings bank by a board of at least fifteen trustees. Except as otherwise provided by this act or by the articles or by-laws of the incorporated institution such board of directors or board of trustees shall exercise all the powers and fulfill all the duties granted to or imposed upon the incorporated institution by this act.

B Each director shall hold office for the term for which he is elected and until his successor shall have been duly elected and qualified. The names and terms of office of the first directors shall be stated in the articles. Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the shareholders.

C Except as otherwise specifically provided in any special act of the General Assembly creating a savings bank or in any amendment or supplement thereto each trustee shall hold office until he resigns or becomes disqualified. The names of the first trustees shall be stated in the articles.

D Every director or trustee shall during his term of office be a citizen of the United States and at least two-thirds of the directors or trustees shall during their terms of service be bona fide residents of this Commonwealth.

E Every director shall own in his own right and free of any lien or encumbrance common shares of the bank the bank and trust company or the trust company to the aggregate par value of at least three hundred dollars but the number or par value of the common shares required to be owned by any person who is a director of a bank a bank and trust company or a trust company upon the effective date of this act shall not be greater than was required prior to the effective date of this act so long as such director shall serve continuously. The share certificates for the minimum number or par value of common shares which each director must own shall be filed unendorsed unpledged and unassigned by him with the cashier or treasurer of the bank the bank and trust company or the trust company. Such shares shall remain in the custody of the cashier or treasurer during the term of service of such director.

Any director who during his term of service pledges assigns or in any other manner ceases to be the owner

in his own right of the shares required by this section shall forthwith cease to be a director of the bank the bank and trust company or the trust company and his office shall be vacant. He shall not be eligible for reelection as a director of such bank such bank and trust company or such trust company for the remainder of the term for which he was elected and for a further period of one year from the expiration of his term. Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board.

F The following shall not be eligible to the directors or trustees in any incorporated institution:

(1) A judge of any court of record in this Commonwealth but this provision shall not operate to disqualify any [judge] person who shall be a director or trustee of an institution upon the effective date of this act as long as [such judge] he continuously remains a director or trustee of such institution.

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue.

G A trustee of a savings bank shall not at the same time be a trustee officer or employee of any other savings bank.

Section 608 Voting Shares Held by an Incorporated Institution. An incorporated institution or any other corporation owning shares in a bank a bank and trust company or a trust company or an incorporated institution owning shares in any other corporation may vote them by its president or by any vice president or by proxy appointed by [him] its president or by any vice president unless some other person by resolution of its board of directors or board of trustees shall be [appointed] designated to vote or to appointed proxies to vote such shares in which case such person or the proxy appointed by him shall be entitled to vote [the] any such shares upon the production of a certified copy of such resolution. Shares of its own capital belonging to a bank a bank and trust company a trust company shall not be voted directly or indirectly at any meeting and shall not be counted in determining the total number of outstanding shares for voting purposes at any given time but where a bank and trust company or a trust company holds its own shares in a fiduciary capacity such shares may be voted and shall be counted in determining the total number of outstanding shares at any given time.

Section 701 Declaration and Payment of Cash and Share Dividends A Except as otherwise provided in this act and subject to any restrictions contained in the articles of incorporation any bank any bank and trust company or any trust company by its board of directors may declare and pay dividends upon its outstanding shares out of its undivided profits as hereinafter provided from time to time and to such extent as the board of directors may deem advisable. A dividend shall not be declared or paid unless at the opening of business upon the day such dividend is declared the reserve fund required by this act and the capital and surplus of the bank the bank and trust company or the trust company would despite such dividend be unimpaired.

B Such dividends may be paid to the shareholders in cash or if such increase of capital has been authorized in the manner provided by this act it may be paid in shares of the bank the bank and trust company or the trust company. If the dividend is in the form of shares of the bank the bank and trust company or the trust company it may if properly authorized be paid out of unimpaired surplus provided that unless such dividend is a common share dividend approved by the Department of Banking and made concurrent with the retirement of an equal aggregate par value of preferred shares such surplus is not thereby reduced to an amount less than one hundred per centum of its capital as increased by virtue of such share dividend.

Section 1001 Powers of Banks Bank and Trust Companies or Trust Companies A In addition to the general corporate powers granted by this act and in addition to

any powers specifically granted to a bank or a bank and trust company elsewhere in this act a bank or a bank and trust company shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To receive money on deposit and to pay interest thereon

(2) To receive money from transmission either to a foreign country or otherwise

(3) To rediscount and borrow money bonds or other securities and to pledge collateral therefor

(4) To lend money either upon the security of real or personal property or otherwise to charge or to receive in advance interest therefor

(5) To discount buy sell negotiate or assign promissory notes drafts bills of exchange trade and bank acceptances stocks bonds or other evidences of debt

(6) To buy and sell exchange coin and bullion

(7) To purchase hold or convey real property

(8) To improve or to lease real property for its accommodation

(9) To accept for payment at a future date drafts or bills of exchange drawn upon it

(10) To issue letters of credit authorizing the holders thereof to draw drafts or bills of exchange upon it or its correspondents

(11) To become a member of a Federal Reserve Bank

(12) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(13) To invest in the shares of an institution engaged in a foreign banking business

(14) To become a member of a clearing house association and to pledge such assets therewith as will qualify it for membership therein

(15) To establish branch banks branch offices agencies sub-offices sub-agencies and branch places of business as permitted in this act

(16) To become a member of the Federal Deposit Insurance Corporation in accordance with the provisions of the Federal Banking Act of one thousand nine hundred and thirty-three approved the sixteenth day of June one thousand nine hundred and thirty-three its amendments and supplements or of any other corporation thereafter organized by the United States for the purpose of insuring deposits in banks or bank and trust companies and to purchase and hold so much of the capital of the Federal Deposit Insurance Corporation or of such other corporation as will qualify it for membership therein

(17) To make application for and obtain insurance of mortgages as provided by the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

(18) To act as agent of the United States or of any instrumentality or agency thereof for the sale or issuance of bonds notes or other obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged and to pledge its assets for the faithful performance of its duties as such agent

B In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a trust company elsewhere in this act a trust company shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To purchase hold or convey real property

(2) To improve or to lease real property for its accommodation

(3) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(4) To establish branch trust companies branch offices

agencies sub-offices sub-agencies and branch places of business as permitted in this act

(5) To make any investments subject to the same limitations as in the case of savings banks incorporated hereunder including such investments as are specifically authorized by its articles

(6) To act as agent of the United States or of any instrumentality or agency thereof for the sale or issuance of bonds notes or other obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged and to pledge its assets for the faithful performance of its duties as such agent

Section 1011 Limitation as to Dealings by Bank [or] Bank and Trust Company or Trust Company in Own Shares A Except as otherwise specifically provided in this act a bank [or] a bank and trust company or a trust company shall not grant any loan or discount on the security of shares of its own capital nor be the purchaser for the purpose of cancellation retirement or otherwise or holder of any such shares for its own account unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith Shares so purchased or acquired shall be disposed of within two years from the time of their purchase or acquisition but the department may upon application of a bank [or] a bank and trust company or a trust company grant to it in writing the power to hold such shares for a longer period

B A bank or a bank and trust company shall not lend directly or indirectly any money for the purpose of enabling any corporation or person to purchase own or hold any shares of such bank or such bank and trust company unless such loan is secured by readily marketable collateral the market value of which shall at no time be less than one hundred and twenty per centum of the amount of such loan

Section 1202 Powers of Savings Banks In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a savings bank elsewhere in this act a savings bank shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To receive money on deposit and pay interest thereon

(2) To receive money for transmission to a foreign country or otherwise and to forward such money through any bank bank and trust company private bank national banking association or any other corporation or person authorized by the laws of any state to receive deposits and subject to the supervision of the banking authorities of such state

(3) To borrow money to repay the demands of depositors and to pledge its assets therefor

(4) To make investments

(5) To lend money upon the security of real or personal property and to charge or to receive in advance interest therefor

(6) To purchase hold or convey real property

(7) To improve or to lease real property for its accommodation

(8) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(9) To establish branch savings banks branch offices agencies sub-offices sub-agencies and branch places of business as permitted in this act

(10) To become a member of a Federal Reserve Bank and for such purpose to purchase and hold so much of the capital of such Federal Reserve Bank as will under any Federal law qualify it for membership therein

(11) To become a member of the Federal Deposit Insurance Corporation in accordance with the provisions of the Federal Banking Act of one thousand nine hundred thirty-three approved the sixteenth day of June one thousand nine hundred thirty-three its amendments and supplements or of any other corporation hereafter organ-

ized by the United States for the purpose of insuring deposits in savings banks and to purchase and hold so much of the capital of the Federal Deposit Insurance Corporation or of such other corporation as will qualify it for membership therein

(12) To make application for and obtain insurance of mortgages as provided by the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

(13) To act as agent of the United States or of any instrumentality or agency thereof for the sale or issuance of bonds notes or other obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged and to pledge its assets for the faithful performance of its duties as such agent

Section 1208 Authorized Investments of Savings Banks Not under Special Charter A Except as otherwise specifically provided in this act a savings bank other than a savings bank organized under a special act of the General Assembly shall not make any investments except as follows

(8) Bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth to the extent of not more than two-thirds of the actual value of such real property and for a term not exceeding ten years unless amortized in equal annual installments over a period not exceeding fifteen years and bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions [of mutual mortgage insurance] of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the saving bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated such report shall be filed and preserved among the records of the savings bank

Section 1209 Authorized Investments of Special Charter Savings Banks A savings bank organized under a special act of the General Assembly may make such investments as may be authorized by its articles of incorporation but no such savings bank shall purchase or invest in the shares of capital of any corporation whatsoever but no such savings bank shall purchase or invest in bonds secured by mortgages upon real property unless such bonds and mortgages are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth and do not

exceed two-thirds of the actual value of such real property and become due within ten years after the making of such purchase or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such purchase or investment or unless such bonds and mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions [for mutual mortgage insurance] of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the purchase or investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank The restrictions contained in this section with reference to real estate bonds shall not apply to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

Section 2 The said act is hereby further amended by adding after Section nine hundred ten the following new sections numbered nine hundred eleven and nine hundred twelve

Section 911 Liability Respecting Forged Altered or Raised Checks A An institution which has charged to the account of a depositor or which has otherwise paid any sum of money upon a forged altered or raised check or draft issued in the name of said depositor shall not be liable to such depositor for the amount charged to his account or otherwise paid upon such forged altered or raised check or draft unless a proper claim for such amount has been made upon such institution (1) within six months after notice to such depositor that the checks or drafts representing payments charged to the account of such depositor or otherwise paid during the period set forth in such notice are ready for delivery or (2) in case such notice has not been given within six months after the return to such depositor of the checks or drafts which have been charged to his account or otherwise paid

B This section shall not relieve a depositor from due diligence in the examination of returned checks or drafts or in otherwise discovering that a check or draft has been forged altered or raised or in the immediate notification of the institution upon his actual discovery of the forgery or alteration in amount or otherwise

Section 912 Limitations on Stop-Payment Orders Any revocation countermand or stop-payment order relating to the payment of any check or draft against an account

of a depositor in any institution shall not remain in effect more than one year after the service thereof on such institution unless the same be renewed in writing. Such renewals shall be in effect for not more than one year from the date of service thereof. Additional renewals may be made from time to time. Any notice affecting a check or draft upon which a revocation countermand or stop-payment order has heretofore been served upon an institution shall continue in full force and effect for a period of not more than one year after the effective date of this act unless renewed in accordance with the provisions of this section.

Section 3 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarrafi,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burris,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolon,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Welss,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Kenehan,	Polen,	Williams,
Elliot,	Kilne,	Powers,	Winner,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. H.,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fiss,	Leisey,	Regan,	Wright,
Fleming,	Leonard,	Reynolds,	Yeakel,
Fletcher,	Lesko,	Rhea,	Yester,
Flynn,	Levy,	Riley,	Young,
Foor,	Lichtenwalter,	Rooney,	Kilroy,
French,	Longo,	Rose, S.,	Speaker.
	Lovett,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1819, (Senate Bill No. 784), entitled:

An Act to amend section four hundred three of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations of persons; authorizing appeal to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provision of said act.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed Calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1209, (Senate Bill No. 1), entitled:

An Act providing that when inmates of an orphan's home or other children's institution or private home are maintained at the cost of any county other than a county of the second class or at the cost of a county institution district other than in a county of the second class and attend public school and are not legal residents of such school district the county shall pay their tuition charges and collect the same from the school district liable therefor.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED -

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed Calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1692, (Senate Bill No. 465), entitled:

An Act authorizing the Secretary of Highways to

lengthen or shorten State highway routes under certain conditions and providing for the payment of damages.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lovett,	Rose, S.,
Baker,	Gates,	Lyons,	Rose, W. E.,
Balthaser,	Gerard,	Malloy,	Royer,
Bentley,	Gillan,	Maxwell,	Rush,
Bentzel,	Gillette,	McClanaghan,	Sarge,
Boles,	Goodwin,	McClester,	Sarra,
Boney,	Greenwood,	McDermott,	Scanlon,
Boorse,	Gross,	McDowell,	Schwab,
Bower,	Gryskewicz,	McFall,	Serrill,
Bradley,	Gyger,	McGrath,	Shaffer,
Bretherick,	Habbyshaw,	McIntosh,	Shepard,
Brown,	Haberlen,	McKinney,	Sollenberger,
Brunner, C. H.,	Haines,	McClanaghan,	Sorg,
Brunner, P. A.,	Hall,	McMillen,	Stank,
Burns,	Hamilton,	McSurdy,	Stine,
Burriss,	Hare,	Melchiorre,	Stockham,
Cadwalader,	Harkins,	Mihm,	Tarr,
Chervanek,	Harmuth,	Modell,	Tate,
Chudoff,	Harris,	Monks,	Taylor,
Cohen, M. M.,	Heatherington,	Mooney,	Thompson, E. F.,
Cohen, R. E.,	Helm,	Moran,	Thompson, R. L.,
Cook,	Hering,	Moul,	Trout,
Cooper,	Herman,	Muir,	Turner,
Cordier,	Hersch,	Munley,	Van Allsburg,
Croop,	Hewitt,	Nagel,	Verona,
Cullen,	Hirsch,	Nunemacher,	Vincent,
Dalrymple,	Holland,	O'Brien,	Vogt,
DiGenova,	Huntley,	O'Connor,	Voldow,
Dix,	Imbrie,	O'Dare,	Wagner,
Dolon,	James,	O'Mullen,	Watkins,
D'Ortona,	Jefferson,	O'Neill,	Weingartner,
Duffy,	Jones, G. E.,	Owens,	Weiss,
Early,	Jones, P. N.,	Petrosky,	Welsh, E. B.,
Eckels,	Keenan,	Pettit,	Welsh, M. J.,
Elder,	Kenehan,	Polaski,	Wilkinson,
Elliott,	Kline,	Polen,	Williams,
Ely,	Knoble,	Powers,	Winner,
Falkenstein,	Kolankiewicz,	Prosen,	Wolf,
Finestone,	Krise,	Rank,	Wood, L. H.,
Finnerty,	Lee, E. A.,	Readinger,	Wood, N.,
Fisher,	Lee, T. H.,	Reagan,	Woodring,
Fiss,	Lelsey,	Reese, R. E.,	Woodside,
Fleming,	Leonard,	Regan,	Wright,
Fletcher,	Lesko,	Reynolds,	Yeakel,
Flynn,	Levy,	Rhea,	Yester,
Foor,	Lichtenwalter,	Riley,	Young,
French,	Longo,	Rooney,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1858, (Senate Bill No. 263), entitled:

An Act to establish a system, uniform throughout the Commonwealth, for the compensation of witnesses, regulating the amount payment and taxation as costs thereof and repealing inconsistent legislation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lovett,	Rose, W. E.,
Baker,	Gates,	Lyons,	Royer,
Balthaser,	Gerard,	Malloy,	Rush,
Bentley,	Gillan,	Maxwell,	Sarge,
Bentzel,	Gillette,	McClanaghan,	Sarra,
Boles,	Goodwin,	McClester,	Scanlon,
Boney,	Greenwood,	McDermott,	Schwab,
Boorse,	Gross,	McDowell,	Serrill,
Bower,	Gryskewicz,	McFall,	Shaffer,
Bradley,	Gyger,	McGrath,	Shepard,
Bretherick,	Habbyshaw,	McIntosh,	Snyder,
Brown,	Haberlen,	McKinney,	Sollenberger,
Brunner, C. H.,	Haines,	McLanahan,	Sorg,
Brunner, P. A.,	Hall,	McMillen,	Stank,
Burns,	Hamilton,	McSurdy,	Stine,
Burriss,	Hare,	Melchiorre,	Stockham,
Cadwalader,	Harkins,	Mihm,	Tarr,
Chervanek,	Harmuth,	Modell,	Tate,
Chudoff,	Harris,	Monks,	Taylor,
Cohen, M. M.,	Heatherington,	Mooney,	Thompson, E.,
Cohen, R. E.,	Helm,	Moran,	Thompson, R.,
Cook,	Hering,	Moul,	Trout,
Cooper,	Herman,	Muir,	Turner,
Cordier,	Hersch,	Munley,	Van Allsburg,
Croop,	Hewitt,	Nagel,	Verona,
Cullen,	Hirsch,	Nunemacher,	Vincent,
Dalrymple,	Holland,	O'Brien,	Vogt,
DiGenova,	Huntley,	O'Connor,	Voldow,
Dix,	Imbrie,	O'Dare,	Wagner,
Dolon,	James,	O'Mullen,	Watkins,
D'Ortona,	Jefferson,	O'Neill,	Weingartner,
Duffy,	Jones, G. E.,	Owens,	Weiss,
Early,	Jones, P. N.,	Petrosky,	Welsh, E. B.,
Eckels,	Keenan,	Pettit,	Welsh, M. J.,
Elder,	Kenehan,	Polaski,	Wilkinson,
Elliott,	Kline,	Polen,	Williams,
Ely,	Knoble,	Powers,	Winner,
Falkenstein,	Kolankiewicz,	Prosen,	Wolf,
Finestone,	Krise,	Rank,	Wood, L. H.,
Finnerty,	Lee, E. A.,	Readinger,	Wood, N.,
Fisher,	Lee, T. H.,	Reagan,	Woodring,
Fiss,	Lelsey,	Reese, R. E.,	Woodside,
Fleming,	Leonard,	Regan,	Wright,
Fletcher,	Lesko,	Reynolds,	Yeakel,
Flynn,	Levy,	Rhea,	Yester,
Foor,	Lichtenwalter,	Riley,	Young,
French,	Longo,	Rooney,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1829, (Senate Bill No. 171), entitled:

An Act to further amend subsection (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds

of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" further regulating refunds

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gates,	Malloy,	Royer,
Baker,	Gerard,	Maxwell,	Rush,
Balthaser,	Gillan,	McClanaghan,	Sarge,
Bentley,	Gillette,	McClester,	Sarrafi,
Bentzel,	Goodwin,	McDermott,	Scanlon,
Boles,	Greenwood,	McDowell,	Schwab,
Boney,	Gross,	McFall,	Serrill,
Boorse,	Gryskewicz,	McGrath,	Shaffer,
Bower,	Gyger,	McIntosh,	Shepard,
Bradley,	Habbyshaw,	McKinney,	Snyder,
Bretherick,	Haberlen,	McLanahan,	Sollenberger,
Brown,	Haines,	McMillen,	Sorg,
Brunner, C. H.,	Hall,	McSurdy,	Stank,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stine,
Burns,	Hare,	Mihm,	Stockham,
Burtis,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenak,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Helm,	Moul,	Thompson, R. L.,
Cohen, R. E.,	Hering,	Muir,	Trout,
Cook,	Herman,	Munley,	Turner,
Cooper,	Hersch,	Nagel,	Van Allsburg,
Cordier,	Hewitt,	Nunemacher,	Verona,
Croop,	Hirsch,	O'Brien,	Vincent,
Cullen,	Holland,	O'Connor,	Vogt,
Dalrymple,	Huntley,	O'Dare,	Voldow,
DiGenova,	Imbrie,	O'Mullen,	Watkins,
Dix,	James,	O'Neill,	Weingartner,
Dolon,	Jefferson,	Owens,	Weiss,
D'Ortona,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Duffy,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Early,	Keenan,	Polaski,	Wilkinson,
Eckels,	Kenahan,	Polen,	Williams,
Elder,	Kline,	Powers,	Wagner,
Elliot,	Knoble,	Prosen,	Winnor,
Ely,	Kolankiewicz,	Rank,	Wolf,
Falkenstein,	Krise,	Readinger,	Wood, L. H.,
Finestone,	Lee, E. A.,	Reagan,	Wood, N.,
Finnerty,	Lee, T. H.,	Reese, R. E.,	Woodring,
Fisher,	Lelsey,	Regan,	Woodside,
Fiss,	Leonard,	Reynolds,	Wright,
Fleming,	Lesko,	Rhea,	Yeakel,
Fletcher,	Levy,	Riley,	Yester,
Flynn,	Lichtenwalter,	Rooney,	Young,
Foor,	Longo,	Rose, S.,	Kilroy,
French,	Lovett,	Rose, W. E.,	Speaker.
Gallagher,	Lyons,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1893, (Senate Bill No. 908), as follows:

An Act to amend section seventeen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415) entitled "An act relating to the qualification jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs thereof the effects of their acts and appeals therefrom" further regulating proceedings before the register of wills and in the orphans' court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seventeen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415) entitled "An act relating to the qualification jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs thereof the effects of their acts and appeals therefrom" is hereby amended to read as follows

Section 17 Whenever a caveat shall be entered against the admission of any testamentary writing to probate and the person entering the same shall allege as the ground thereof any matter of fact touching the validity of such writing it shall be lawful for the register at the request of any person interested to issue a precept to either the court of common pleas or the orphans' court of the respective county directing an issue to be formed upon the said fact or facts and also upon such others as may be lawfully objected to the said writing in substantially the following form viz

(L S)

.....County ss
The Commonwealth of Pennsylvania To the judges of the court of common pleas (or the orphans' court) of the said county Greeting Whereas A B on the day of in the year et cetera presented to G H our register of wills of said county for probate a certain writing hereto annexed purporting to have been made the day of in the year et cetera (or otherwise describing the paper in question) which said writing the said A B avers is the last will and testament of the said C D and whereas E D who is a son and heir of the said C D (or intermarried with F D who is a daughter and heir et cetera according to the fact) hath objected before our said register that the said writing was procured by duress and constraint (stating the matters of fact objected) and where as the said A B (or E D) hath requested that an issue may be directed into our said court to try by a jury the validity of the said writing and the matters of fact which may be objected thereto in our said court Therefore we command you that you cause an action to be entered upon the records of our said court as of the day of the delivery of this our precept into the office of the prothonotary of our said court between the said A B and the said E D so that an issue therein may be formed upon the merits of the controversy between the said parties and tried in due course according to the practice of our said courts in actions commenced by writ and further that you cause all other persons who may be interested in the estate of the said C D as heirs relations or next of kin devisees legatees or executors to be warned so that they may come into our said court and become party to the said action if they shall see cause and that you certify the result of the trial so had in the premises into the office of our said register

Attest G H Register of Wills of the said county

And the facts established by the trial had an certified to the register as aforesaid shall not be re-examined by the said register nor upon any appeal from his decision

When such precept is issued to the orphans' court of said county the issue shall be tried therein by a jury and the practice and procedure shall be the same as in cases when an issue is awarded by the orphans' court for a trial by jury in the orphans' court under the act approved

the first day of July one thousand nine hundred and thirty-seven (P. L. 2665) as amended by the Act approved the first day of July one thousand nine hundred and thirty-nine (P. L. 94) and the result of the trial shall be certified to the register

Section 2 The provisions of this act shall become effective immediately upon the final enactment thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burris,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolon,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Welse,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Kenehan,	Polen,	Williams,
Elliott,	Kilne,	Powers,	Winnier,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. H.,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fiss,	Leisey,	Regan,	Wright,
Fleming,	Leonard,	Reynolds,	Yeakel,
Fletcher,	Lesko,	Rhea,	Yester,
Flynn,	Levy,	Riley,	Young,
Foor,	Lichtenwalter,	Rooney,	Kilroy,
French,	Longo,	Rose, S.,	Speaker.
	Lovett,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1854, entitled:

An Act to further amend section three hundred eleven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth,

sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by protecting and regulating the retirement rights of county employes in counties of the second class who are required to enter active service with the military or naval forces of the United States.

On the question,

Will the House agree to the bill on third reading?

Mr. WOODRING. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 8 of title, by striking out the following "in counties of the second class" and inserting in lieu thereof: "now or hereafter under any county retirement system."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 1880, Printer's No. 1084, was passed over at the request of Mr. ACHTERMAN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1816, (Senate Bill No. 1040), entitled:

An Act to further amend section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burris,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. P.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolton,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Weiss,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Kenehan,	Polen,	Williams,
Elliot,	Kline,	Powers,	Winner,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. H.,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fiss,	Lelsey,	Regan,	Wright,
Fleming,	Leonard,	Reynolds,	Yeakel,
Fletcher,	Lesko,	Rhea,	Yester,
Flynn,	Levy,	Riley,	Young,
Foor,	Lichtenwalter,	Rooney,	Kilroy,
French,	Longo,	Rose, S.,	
	Lovett,	Rose, W. E.,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1160, (Senate Bill No. 401), entitled:

An Act repealing and abandoning as a State highway State highway route 15181 in Chester County and providing for the reversion thereof to the township

And said bill having been read at length the third time, considered and agreed to:

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,

Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burris,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. P.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolton,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Weiss,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Kenehan,	Polen,	Williams,
Elliot,	Kline,	Powers,	Winner,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. H.,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fiss,	Lelsey,	Regan,	Wright,
Fleming,	Leonard,	Reynolds,	Yeakel,
Fletcher,	Lesko,	Rhea,	Yester,
Flynn,	Levy,	Riley,	Young,
Foor,	Lichtenwalter,	Rooney,	Kilroy,
French,	Longo,	Rose, S.,	
	Lovett,	Rose, W. E.,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1843, (Senate Bill No. 484), entitled:

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Balthaser,	Gates,	Malloy,	Rush,
Baker,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,

Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burriss,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolon,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Weiss,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Keneshan,	Polen,	Williams,
Elliot,	Kline,	Powers,	Winner,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. H.,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fiss,	Leisey,	Regan,	Wright,
Fleming,	Leonard,	Reynolds,	Yeakel,
Fletcher,	Lesko,	Rhea,	Yester,
Flynn,	Levy,	Riley,	Young,
Foor,	Lichtenwalter,	Rooney,	Kilroy,
French,	Longo,	Rose, S.,	
	Lovett,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1898, (Senate Bill No. 934), entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burriss,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,

Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolon,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Weiss,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Keneshan,	Polen,	Williams,
Elliot,	Kline,	Powers,	Winner,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. H.,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fiss,	Leisey,	Regan,	Wright,
Fleming,	Leonard,	Reynolds,	Yeakel,
Fletcher,	Lesko,	Rhea,	Yester,
Flynn,	Levy,	Riley,	Young,
Foor,	Lichtenwalter,	Rooney,	Kilroy,
French,	Longo,	Rose, S.,	Speaker.
	Lovett,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1808, (Senate Bill No. 463), entitled:

An Act to amend sections one and three of the act approved the tenth day of April one thousand nine hundred and twenty-nine (P. L. 478) entitled "Conferring authority on the Department of Highways or any county or township to enter upon private property adjacent to any public road or highway and place thereon snow fence between November first and April first of the succeeding year providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highway to the owner of adjacent property and repealing certain acts" by including the Pennsylvania Turnpike Commission

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burriss,	Hare,	Mihm,	Tarr,

Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Inbrie,	O'Mullen,	Watkins,
Dolon,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Weiss,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Kenehan,	Polen,	Williams,
Elliot,	Kilne,	Powers,	Winnor,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. H.,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fiss,	Lelsey,	Regan,	Wright,
Fleming,	Leonard,	Reynolds,	Yeakel,
Fletcher,	Lesko,	Rhea,	Yester,
Flynn,	Levy,	Riley,	Young,
For,	Lichtenwalter,	Rooney,	Kilroy,
French,	Longo,	Rose, S.,	Speaker.
	Lovett,	Rose, W. B.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1553, (Senate Bill No. 557), entitled:

An Act to amend section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act by changing a certain route

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 491, (Senate Bill No. 145), entitled:

An Act to amend further section fourteen of an act

approved the seventh day of August one thousand nine hundred thirty-six (P. L. 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended by conferring additional powers on the Department of Highways

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed Calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1859, (Senate Bill No. 344), entitled:

An Act to amend further section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" as amended by permitting the maximum width of a public road to be two hundred feet when the right of way is acquired by the Federal Government and providing for the cost of relocating public service facilities

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed Calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1842, (Senate Bill No. 1102), entitled as follows:

An Act to further amend the act approved the eleventh day of March one thousand nine hundred and nine (P. L. 13) entitled "An act for the protection of the public health by prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell of eggs unfit for food as therein defined and prohibiting the use of such eggs in the preparation of food products providing penalties for the violation thereof and providing for the enforcement thereof" by providing for the licensing by the Department of Agriculture of persons copartnerships associations and corporations engaged in the business of breaking eggs and separating the contents thereof for any purpose regulating the opening of eggs unfit for food and providing

for the denaturing of such eggs authorizing the Department of Agriculture to take samples of eggs for the purpose of analysis further regulating the right to sell or otherwise deal with eggs subjected to incubation providing that certain violations of the act shall be punishable in summary proceedings prescribing penalties and repealing certain legislation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the eleventh day of March one thousand nine hundred and nine (P. L. 13) entitled "An act for the protection of the public health by prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell of eggs unfit for food as therein defined and prohibiting the use of such eggs in the preparation of food products providing penalties for the violation thereof and providing for the enforcement thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same [That it shall be unlawful for any person firm or corporate body by himself herself itself or themselves or by his her its or their agents servants or employees to sell offer for sale expose for sale or have in possession with intent to sell eggs that are unfit for food within the meaning of this act] That it shall be unlawful for any person copartnership association or corporation to conduct at any given place any business of opening eggs and separating the egg content from the shell and using or disposing of the content thereof for any purpose unless he she it or they have first applied for and secured a license so to do from the Department of Agriculture The form of such license shall be prescribed by the Department of Agriculture The application for a license in addition to other matters which may be required to be stated thereon by said Department of Agriculture shall contain an accurate description of the place where the proposed separation of eggs is intended to be carried on and the name and style under which said business is proposed to be conducted If the said application is satisfactory to the Department of Agriculture and said name and style shall not in the judgment of the Department of Agriculture be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on the Department of Agriculture shall issue to the applicant a license authorizing him her it or them to engage in the business of opening the eggs and separating the egg content from the shell for which said license the applicant shall first pay the annual sum of fifty (\$50) dollars The said license fee when received by the Department of Agriculture shall be immediately covered into the State Treasury for the use of the Commonwealth Such license shall not authorize the holder thereof to carry on the business of opening the eggs and separating the egg content from the shell at any place other than that designated in the application and license All licenses shall be taken out for a full year

The opening of eggs unfit for food purposes shall not be permitted in any building or premises where the opening of eggs for food purposes is carried on except such as are opened incident to the opening of eggs fit for food in which case such eggs as are found to be unfit for food purposes must be placed in containers painted of a bright red color the shells of the eggs broken or smashed and the contents of the eggs denatured by kerosene or other denaturant approved by the Department of Agriculture Such red colored containers must be emptied of their contents every twenty-four hours and must not be used for wholesome eggs

It shall be unlawful for any person copartnership association or corporation by himself herself itself or themselves or by his her its or their agents servants or employees to sell offer for sale expose for sale or have in possession eggs that are unfit for food within the meaning of this act for any purpose use cause or reason whatsoever unless the same shall have first been denatured with a sufficient quantity of kerosene to render all of the

same unfit for use in the preparation of food products and further providing that the shells of all such eggs that may be unfit for food as hereinbefore mentioned shall first be removed or broken by smashing or otherwise so as to permit a free impregnation of the whole of the egg substance by the denaturing fluid

For the purpose of enforcing the provisions of this act the Department of Agriculture through its officers agents and assistants shall have full access to all places of business factories mills buildings cars automobiles trucks wagons vessels barrels tanks containers and packages of whatever kind used in keeping storing shipping transporting and handling eggs and shall have power to take sufficient quantity of eggs therefrom upon or offering payment for the same for the purpose of making an analysis thereof and shall have power to detain seize hold and/or quarantine the entire quantity of eggs a reasonable length of time for the result of the analysis to be known

All persons copartnerships associations or corporations violating any of the provisions of this act or interfering with or refusing to give access to the Department of Agriculture or any of its agents or assistants when securing quantities of eggs for the purpose of analysis shall upon conviction in a summary proceeding be subject to the penalties hereinafter provided

Section 2 Section three of said act as amended by the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 507) is hereby further amended to read as follows

Section 3 It shall be unlawful to sell offer for sale have in possession with intent to sell either in shell in broken out frozen masses or in any condition whatsoever incubated or incubator reject eggs or eggs which have been subjected to incubation whether natural or artificial [for a period of eight days or over unless each egg or container of such eggs not in shell shall be branded marked or stamped with the words "incubated egg" or "incubated [eggs" and it] unless by written permission of the Department of Agriculture to sell such for a specific purpose and to a specific purchaser and when so sold the eggs must be accompanied by said written permit and each container of said eggs marked in accordance with directions or regulations issued by the Department of Agriculture It shall be unlawful to use any [such] incubated eggs in the preparation of or as a part of a food or foods [unless such food or foods shall be branded marked or stamped with the words "incubated eggs used"]

It shall be unlawful for anyone to take give remove deliver or transport from the premises of any farm hatchery henry chickery or any place where eggs or baby chicks are produced eggs that have been subjected to incubation unless (a) said eggs shall have been broken or smashed and denatured or (b) there is written permission by the Department of Agriculture to move said eggs to a specific destination and for a specific use and when so moved the eggs must be accompanied by said written permit and each container of said eggs marked in accordance with directions or regulations issued by the Department of Agriculture

It shall be unlawful for any person firm or corporate body by himself herself itself or themselves or by his her its or their agents servants or employees to use eggs that are either wholly or partly decayed or decomposed in the preparation of food products And provided further That there shall be no delivery sale purchase or acceptance of wholly or partly decayed or decomposed eggs in or at any establishment where food products are prepared or manufactured

Section 3 Sections four five and six of said act are hereby amended to read as follows

Section 4 That any person who shall violate any of the provisions of this act [shall be guilty of a misdemeanor and] upon conviction thereof shall be sentenced to pay a fine of not less than two hundred (\$200) dollars nor more than one thousand (\$1,000) dollars [or] and/or to undergo an imprisonment of not less than three (3) months nor more than nine (9) months [or both or either] at the discretion of the court Aldermen magistrates and jus-

tices of the peace throughout this Commonwealth shall have jurisdiction to hear and determine in a summary proceeding actions arising for violations of this act and to impose the penalties provided herein subject to appeal as the law shall direct

Section 5 That the [Dairy and Food Commissioner] Department of Agriculture shall be charged with the enforcement of the provisions of this act

Section 6 That all fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the [Dairy and Food Commissioner or his agent] Department of Agriculture and when so collected and paid shall thereafter be by the [Dairy and Food Commissioner] Department of Agriculture paid into the State Treasury for the use of the Commonwealth

Section 4 The act approved the eleventh day of April one thousand nine hundred and thirteen (P. L. 58) entitled "An act supplementary to, an act entitled 'An act for the protection of the public health by prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell of eggs unfit for food as therein defined and prohibiting the use of such eggs in the preparation of food products providing penalties for the violation thereof and providing for the enforcement thereof' approved the eleventh day of March Anno Domini one thousand nine hundred and nine providing for the denaturing by kerosene of all eggs unfit for food within the meaning of said act and providing penalties for the violation thereof" and its amendments are hereby repealed absolutely

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarrafi,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Habbyshaw,	McIntosh,	Snyder,
Bretherick,	Gyger,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burriss,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Aillsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolan,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Weiss,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Kenehan,	Polen,	Williams,
Elliot,	Kline,	Powers,	Winner,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. H.,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
		Reagan,	Wright,

Fiss,
Fleming,
Fletcher,
Flynn,
Foor,
French,

Leonard,
Lesko,
Levy,
Lichtenwalter,
Longo,
Lovett,

Reynolds,
Rhea,
Riley,
Rooney,
Rose, S.,
Rose, W. E.,

Yeakel,
Yester,
Young,
Killroy,
Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 355, as follows:

An Act to provide for the change of object of the corporate existence of beneficial and relief associations as herein defined and authorizing and providing a mode for the dissolution and surrender of the charter of such associations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The term "beneficial or relief associations" as used in this act shall mean and include all incorporated beneficial societies and companies and relief associations conducted not for profit formed by churches societies classes firms or corporations with or without ritualistic form of work the privilege of membership in which is confined to the members of such churches societies or classes and to members and employes of such firms or corporations and which have been in continuous existence for twenty years or more The term shall not include any such society company or association having a lodge system or representative form of government nor any such society company or association having affiliates or subsidiaries

Section 2 Any beneficial or relief association that may be desirous of continuing or maintaining its corporate existence for any literary charitable or benevolent purpose or as a hall association or society for the mutual benefit of its members may by a vote of the majority of its members present (who by the laws of the particular company or association are or may be entitled to vote) at a stated meeting after at least one month's notice has been given declare the purpose and object for which they desire to continue as aforesaid Such beneficial or relief association shall within three months thereafter present their petition to the court of common pleas of the county praying that the purpose or object for which they may desire to continue their corporate existence as aforesaid may be approved by said court whereupon said petition shall be filed and if the object or purpose therein expressed and stated shall appear to the judges of the court to be lawful and not injurious to the community and if no sufficient objection thereto be shown by any person or persons interested therein the said court shall on the first day of the next succeeding term not less than four weeks after the filing of the said petition enter their decree approving of the object or purpose for which such corporation shall thereafter continue A certified copy of such decree shall be recorded in the office of the recorder of deeds of the county and thereupon such object or purpose shall supersede the object or purpose named or expressed in the charter or act of incorporation of said beneficial or relief association and shall be as valid and binding as if the same had been the original object or purpose for which such beneficial or relief association had been incorporated And such beneficial or relief association may also issue shares of stock not exceeding in amount the value of their property and effects and distribute the same to and amongst the members thereof entitled thereto Such shares shall be as-

signable and transferable in the usual manner. The holder or holders of any share or shares shall be entitled to one vote for each share held by him. Such beneficial or relief association may also by and with the assent and approval of the court change the name of such corporation and provide for its management by such officers and board of directors or managers not exceeding seven in number exclusive of president and treasurer as to them may seem just and expedient.

Section 3 If any beneficial or relief association shall be desirous of disbanding dissolving and surrendering their corporate existence it shall be lawful for it so to do and the property and effects or the proceeds thereof may be distributed and divided to and among the members entitled thereto under the following conditions to wit:

(1) Such beneficial or relief association shall give at least six months' notice of its intention to dissolve and surrender its corporate existence by advertisement in at least one daily newspaper published in the county to be designated by the court of common pleas upon application by the proper beneficial or relief association said advertisement to be published at least once a week for four weeks or continuously for one week.

(2) Such beneficial or relief association shall through its secretary or by a committee appointed for that purpose make a roll of all such members who are entitled to participate in the distribution of its property or the proceeds thereof who may apply to him or to them personally or otherwise. Said roll shall be kept open during the whole of said six months and it shall be the duty of such secretary or committee to enter upon such roll the name or names of any and all members who may apply who are known to him or them or if unknown who shall produce satisfactory evidence that he or they is or are entitled to have his or their name or names placed on said roll and said roll shall at the expiration of said six months be verified by the oath or affirmation of said secretary or committee.

(3) Such beneficial or relief association shall immediately after the expiration of said six months appoint a committee of not less than three members which committee in conjunction with the president and treasurer of said beneficial or relief association shall make out and sign a schedule of the description amount and value of all the property and effects of such beneficial or relief association the names of all persons who are included within the provisions of clause (2) of this section and the description amount and value of the property effects or moneys allotted to each of such persons respectively which allotments shall be as nearly equal as may be. Such schedule shall be verified by oath or affirmation of a majority of such committee one of whom shall be the president or treasurer. Said schedule shall be submitted at a stated meeting of the beneficial or relief association and if approved by a vote of the majority of such members present as are included in clause (2) hereof shall be final and conclusive.

(4) As soon as all steps and proceedings provided for in this section shall have been completed a certified copy thereof shall be made out attested by the signatures of the officers of such beneficial or relief association and by the seal of the corporation and shall be duly acknowledged as in the case of a deed made by a corporation and recorded in the office of the recorder of deeds of the county. Thereafter such corporation shall be dissolved and cease to exist and all the powers and authorities thereto belonging shall become and be null and void and of no effect except such as are necessary to carry this act into effect. The distribution of the property and effects of such beneficial or relief association shall be made as soon after the approval of the schedule mentioned in clause (3) as may be convenient. Provided That nothing herein contained shall be construed as to prevent any person who may deem himself aggrieved by the action of any beneficial or relief association in his case applying to the proper court for redress by bill in equity or upon or for a mandamus upon his giving such security as the court may determine to pay all damages

that may be incurred and all costs that may accrue if the decree of the court upon final hearing shall be against him and a part of such costs shall be a reasonable counsel fee to be allowed by the court in the particular case and fixed by the decree.

Section 4 In the event any beneficial or relief association included within the provision of this act which has changed by virtue of the provisions of any previously existing law of this Commonwealth into stock companies the shares into which the capital stock of such corporation may be divided shall be issued to such of the members of said beneficial or relief association as were required to perform active services as a condition of membership or who may have been transferred from the active roll to the roll of honorary members as a reward or token of recognition for previous active services and to those only who may have signed the constitution or by-laws of such beneficial or relief associations and in case of a total dissolution of such beneficial or relief association under the provision of this act those members only who are designated in this section shall be entitled to a distributive share of the proceeds of the property of such beneficial or relief association.

Section 5 If in any case any number of the active and honorary members either or both of any beneficial or relief association not less than ten in number may desire to perpetuate the corporate existence of any beneficial or relief association either for social purposes or for any of the purposes mentioned in section two of this act and a majority of such beneficial or relief association may desire to dissolve as aforesaid it shall be lawful for such members by signing and presenting to such beneficial or relief association an agreement in writing to perpetuate the existence of such corporation to take unto themselves the liabilities and responsibilities imposed and to enjoy the privileges granted in and by the charter of such beneficial or relief association. In such case the proceedings directed in and by section three of this act shall be pursued except as to the division of their property and the recording of proceedings in lieu of which after the amount of dividend shall have been ascertained and approved as aforesaid the receipt of such dividend by any member shall be construed to be a resignation and shall be so entered upon the books of such beneficial or relief association and the members so receiving a dividend shall thenceforth cease to be a member of such beneficial or relief association. Provided That it shall be unlawful for any beneficial or relief association to purchase the right of any member and upon the payment of the agreed price the membership of such person shall thereupon terminate.

Section 6 The sales by any beneficial or relief association included in section one of this act hereafter made shall be deemed and taken to have been made pursuant to the provisions of this act and are hereby declared to be valid and to vest the title of such property in the purchasers of such property.

Section 7 It shall and may be lawful for any of the beneficial or relief associations mentioned in the first section of this act to accept the provisions of this act as a supplement to the charter or act of incorporation of such beneficial or relief association by the vote of a majority of the members entitled to vote who may be present at any stated meeting of such beneficial or relief association. If so accepted the provisions hereof shall be deemed and taken to be a part of the charter or act of incorporation of such accepting beneficial or relief association except where a particular number have a right to continue. Provided That nothing contained in this act shall be held to affect the right of any member or beneficial or relief associations as the same have been heretofore adjudicated by any court and the same are hereby confirmed. Provided That this act shall not repeal or affect the provisions of any special law relating to the same subject in any county township borough or city in this Commonwealth.

Section 8 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyslaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burris,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
Dolon,	James,	O'Neill,	Weingartner,
D'Ortona,	Jefferson,	Owens,	Weiss,
Duffy,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Early,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Eckels,	Keenan,	Polaski,	Wilkinson,
Elder,	Kenehan,	Polen,	Williams,
Elliott,	Kline,	Powers,	Winner,
Ely,	Knoble,	Prosen,	Wolf,
Falkenstein,	Kolankiewicz,	Rank,	Wood, L. H.,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Lee, E. A.,	Reagan,	Woodring,
Fisher,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fiss,	Leisey,	Regan,	Wright,
Fleming,	Leonard,	Reynolds,	Yeakel,
Fletcher,	Lesko,	Rhea,	Yester,
Flynn,	Levy,	Riley,	Young,
Foor,	Lichtenwalter,	Rooney,	Kilroy,
French,	Longo,	Rose, S.,	Speaker.
	Lovett,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1008, (Senate Bill No. 377), entitled:

An Act validating certain proceedings and elections of counties cities boroughs school districts or other municipalities or incorporated districts had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

On the question,

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 19, by striking out before the word "failure" the words "or for" and insert in lieu thereof the following: "and notwithstanding."

Amend Section 1, page 3, line 19, by striking out after the word "to" and before the word "such" the word "file" and insert in lieu therefor the word "post."

Amend Section 1, page 3, line 19, by inserting after the word "such" and before the word "notice" the word "election".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 902, (Senate Bill No. 254), entitled as follows:—

An Act Authorizing municipalities to file liens against real estate beyond the municipal limits for certain municipal rates validating liens heretofore filed and providing for the procedure thereon

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any municipality may proceed to recover water rents or rates lighting rates power rates and sewer rates due and unpaid for service rendered beyond the municipal limits by the filing of municipal claims therefor against the real estate served in the same manner and with the same effect as such rents or rates are now recoverable within the municipal limits

Section 2 The procedure on liens filed under the provisions of this act shall be the same as though the real estate were within the municipal limits

Section 3 All claims heretofore filed for water rents or rates lighting rates power rates and sewer rates for service rendered beyond the municipal limits are hereby validated and procedure thereon shall be the same as though the real estate were within the municipal boundaries

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lovett,	Rose, W. E.,
Baker,	Gates,	Lyons,	Royer,
Balthaser,	Gerard,	Malloy,	Rush,
Bentley,	Gillan,	Maxwell,	Sarge,
Bentzel,	Gillette,	McClanaghan,	Sarra,
Boles,	Goodwin,	McClester,	Scanlon,
Boney,	Greenwood,	McDermott,	Schwab,

Boorse,	Gross,	McDowell,	Serrill,
Bower,	Gryskewicz,	McFall,	Shaffer,
Bradley,	Gyger,	McGrath,	Shepard,
Bretherick,	Habbyshaw,	McIntosh,	Snyder,
Brown,	Haberlen,	McKinney,	Sollenberger,
Brunner, C. H.,	Haines,	McLanahan,	Sorg,
Brunner, P. A.,	Hall,	McMillen,	Stank,
Burns,	Hamilton,	McSurdy,	Stine,
Burrils,	Hare,	Melchiorre,	Stockham,
Cadwalader,	Harkins,	Mihm,	Tarr,
Chervenak,	Harmuth,	Modell,	Tate,
Chudoff,	Harris,	Monks,	Taylor,
Cohen, M. M.,	Heatherington,	Mooney,	Thompson, E. F.,
Cohen, R. E.,	Helm,	Moran,	Thompson, R. L.,
Cook,	Hering,	Moul,	Trout,
Cooper,	Herman,	Muir,	Turner,
Cordier,	Hersch,	Munley,	VanAllsburg,
Croop,	Hewitt,	Nagel,	Verona,
Cullen,	Hirsch,	Nunemacher,	Vincent,
Dalrymple,	Holland,	O'Brien,	Vogt,
DiGenova,	Huntley,	O'Connor,	Voldow,
Dix,	Imbrie,	O'Dare,	Wagner,
Dolon,	James,	O'Mullen,	Watkins,
D'Ortona,	Jefferson,	O'Neill,	Weingartner,
Duffy,	Jones, G. E.,	Owens,	Welss,
Early,	Jones, P. N.,	Petrosky,	Welsh, E. B.,
Eckels,	Keenan,	Pettit,	Welsh, M. J.,
Elder,	Kenehan,	Polaski,	Wilkinson,
Elliot,	Kline,	Polen,	Williams,
Ely,	Knoble,	Powers,	Winnier,
Falkenstein,	Kolankiewicz,	Prosen,	Wolf,
Finestone,	Krise,	Rank,	Wood, L. H.,
Finnerty,	Lee, E. A.,	Readinger,	Wood, N.,
Fisher,	Lee, T. H.,	Reagan,	Woodring,
Floss,	Lelsey,	Reese, R. E.,	Woodside,
Fleming,	Leonard,	Regan,	Wright,
Fletcher,	Lesko,	Reynolds,	Yeakel,
Flynn,	Levy,	Rhea,	Yester,
Foor,	Lichtenwalter,	Riley,	Young,
French,	Longo,	Rooney,	Kilroy, Speaker.
		Rose, S.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1319, (Senate Bill No. 269), as follows:

An Act providing for the redemption of real property purchased by political subdivisions at tax sales upon the payment of the amount charged against the same and costs by installment payments and prescribing the procedure therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases where heretofore or hereafter real property shall have been or shall be purchased at any tax sale by any political subdivision any person who was or is entitled under existing law to redeem such property shall have such right of redemption so long as the title thereto remains in said political subdivision upon the payment of the amount due thereon by installments in the manner hereinafter provided whether or not the period during which the right of redemption existed shall have expired

Section 2 In order for any person who was or is entitled by law to redeem such property to receive the benefits of the installment system of payment authorized and provided by this act they shall enter into a written agreement with the taxing authorities of the said political subdivision which shall be prepared by the solicitor for such political subdivision in the nature of a lease which shall require at the time of signing the agreement the payment of all costs incident to the aforesaid tax sale and twenty per centum of the amount of all taxes and municipal claims and penalties and interest accrued there-

on charged against said property and the payment of the remainder of said amount of tax and municipal claims penalties and interest in four equal installments each of which shall be made within one year after the last day fixed by said agreement for the payment of the previous installment Said agreement shall further require that the respective current taxes assessed on said real property for each year during such installment period shall be paid before a penalty attaches thereto

Section 3 The aforesaid agreement shall provide for the delivery of possession to such person upon the execution thereof and the receipt of the required first payment and such person shall have the right to retain possession of the property unless and until he shall default in one installment payment or shall fail to pay the current tax for any year as required by the agreement Upon default of either or both of said payments the political subdivision shall have the right to repossess said property in the manner provided by the agreement specified in Section Two of this Act or by the entry of a judgment in ejectment upon affidavit or default and the issuance of a writ of habere facias possessionem in due form according to law The agreement shall further provide for the conveyance of said property to the person with whom the agreement is entered into upon final payment of the total amount of said costs taxes municipal claims penalties and interest as aforesaid and the payment of all current taxes as aforesaid and the title so conveyed shall be free and clear of all tax and municipal claims but shall not be discharged from any other liens not discharged by the tax sale

Section 4 The taxing authorities of said political subdivision shall execute and deliver any deeds necessary to render the redemption authorized by this act effective

Section 5 The proceeds of such agreement and payments shall be distributed upon the receipt thereof to the respective political subdivisions and taxing authorities in proportion to their tax and municipal claims against said property

Section 6 All acts or parts of acts inconsistent herewith are hereby repealed

Section 7 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarrat,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Stockham,
Burrils,	Hare,	Mihm,	Tarr,
Cadwalader,	Harkins,	Modell,	Tate,
Chervenak,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moul,	Trout,
Cook,	Hering,	Muir,	Turner,
Cooper,	Herman,	Munley,	Van Allsburg,
Cordier,	Hersch,	Nagel,	Verona,
Croop,	Hewitt,	Nunemacher,	Vincent,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Holland,	O'Connor,	Voldow,
DiGenova,	Huntley,	O'Dare,	Wagner,
Dix,	Imbrie,	O'Mullen,	Watkins,
	James,	O'Neill,	Weingartner,

Dolon,	Jefferson,	Owens,	Wells,
D'Ortona,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Duffy,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Early,	Keenan,	Polaski,	Wilkinson,
Eckels,	Kenehan,	Polen,	Williams,
Elder,	Kline,	Powers,	Winner,
Elliott,	Knoble,	Prosen,	Wolf,
Ely,	Kolankiewicz,	Rank,	Wood, L. H.,
Falkenstein,	Krise,	Readinger,	Wood, N.,
Finestone,	Lee, E. A.,	Reagan,	Woodring,
Finnerty,	Lee, T. H.,	Reese, R. E.,	Woodside,
Fisher,	Lelsey,	Regan,	Wright,
Fliss,	Leonard,	Reynolds,	Yeakel,
Fleming,	Lesko,	Rhea,	Yester,
Fletcher,	Levy,	Riley,	Young,
Flynn,	Lichtenwalter,	Rooney,	Kilroy,
Foor,	Longo,	Rose, S.,	Speaker.
French,	Lovett,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 266.

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania

HOUSE BILL No. 301.

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

HOUSE BILL No. 371.

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation

HOUSE BILL No. 489.

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School of Medicine

HOUSE BILL No. 753.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire certain land adjacent to and for the use of the Scranton State Hospital providing for the improvement and use thereof authorizing the City of Scranton to pay the costs of such improvements in whole or in part and making an appropriation

HOUSE BILL No. 1036.

An Act to amend subsection (b) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent the natural parent shall retain his

or her status as such and shall for purposes of inheritance and devolution be regarded as an adopting parent

HOUSE BILL No. 1177.

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by allocating fees for inspection certificates for promotion of highway safety

HOUSE BILL No. 1470.

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools, and classes through public school districts, and in cooperation with employment offices for the training, retraining, instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

HOUSE BILL No. 1529.

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing additional routes to be used as a part of the national defense program in the County of Cambria

HOUSE BILL No. 1542.

An Act to amend route 55121 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing a route in the County of Somerset

HOUSE BILL No. 1631.

An Act authorizing and directing the Department of Highways to erect construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum Allegheny County and a point in Westmoreland County and to provide the necessary approaches and connections with State highways providing for the acceptance of Federal aid empowering counties to pay certain damages and making an appropriation

HOUSE BILL No. 1663.

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W P A Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation

HOUSE BILL No. 1665.

An Act to amend section six hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by providing that said section shall not apply to certain games or devices where free plays are given or allowed and providing that such free plays shall not be considered things of value

HOUSE BILL No. 1719.

An Act to add clause (k) to section two thousand one hundred two and to repeal clause (d) of section two thousand one hundred ten of the act approved the ninth day of April one thousand nine hundred twenty-nine (P L 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health to conform with the provisions of the Public Utility Law

HOUSE BILL No. 1720.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor

HOUSE BILL No. 1721.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare to acquire a certain tract of land for the use of Pennsylvania Industrial School and making an appropriation therefor

HOUSE BILL No. 1765.

An Act repealing and abandoning as a State highway

State highway Route 03123 in Armstrong County and providing for the reversion thereof to the township

HOUSE BILL No. 1798.

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A

HOUSE BILL No. 1802.

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons, who served in the military or naval service during any war in which the United States was engaged.

HOUSE BILL No. 1825.

An Act establishing a certain section of public road as a State highway; and providing for its construction and maintenance at the expense of the Commonwealth.

HOUSE BILL No. 1826.

An Act to amend part of section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P L 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporation to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" changing a certain route in the City of Johnstown

HOUSE BILL No. 1827.

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters, and for the landscaping thereof.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

CONGRATULATORY RESOLUTION

Mr. WOODRING offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, July 8, 1941.

Whereas, On July 6, 1941, exactly one hundred and sixty-five years and two days after the signing of the Declaration of Independence, a member of this House, the gentleman from Northampton, Joseph A. Longo of Bethlehem, celebrated his thirty-sixth birthday today.

Whereas, Mr. Longo is now completing his first time as a Representative in the General Assembly. During the days of this session he has made a wide circle of friends among the members of this House. He has become known as a quiet, serious, and capable legislator. He has studiously familiarized himself with the bills as the same are

brought up for consideration. He has been faithful in his attendance of the caucus meetings and the sessions of the House.

But not only at work has Mr. Longo shown his sterling traits and fine character; in his less serious moments, in his recreation and play, his many friends have come to know him as a congenial, jovial and loyal companion; now therefore be it

Resolved, That the House of Representatives extend to the Honorable Joseph A. Longo, hearty wishes for many happy returns of the day and that the Chief Clerk forward a copy of this resolution to Mr. Longo.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Longo.

Mr. LONGO. Mr. Speaker and Members of the House, first permit me to apologize to the Speaker and to the members that I was not paying attention to the reading of the resolution. Nevertheless the Speaker has been kind enough to make reference to the contents of the resolution, and I certainly and sincerely thank the Speaker and the Members of the House for passing this resolution. I want you to know that I appreciate this resolution and that I have enjoyed a swell birthday. I will keep among my memories the resolution which you have just passed. Thank you very much.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 418

Mr. FINNERTY presented the report of the Committee of Conference on the part of the House on Senate Bill No. 418.

The report was read by the Clerk.

The SPEAKER. This being a Senate Bill the report will be printed by the Senate, and placed in the files of the Members of the House.

CONGRATULATORY RESOLUTIONS

Messrs. SAMUEL ROSE and CHUDOFF offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, July 8, 1941.

Whereas, the Fourth of July is an occasion of great rejoicing throughout the country because it marks the birth of American Independence and Democracy; and

Whereas, On Thursday, the third day of July, on the eve of Independence Day, there arrived at the Doctor's Hospital to the wife of the Honorable Harry P. Voldow a bouncing baby boy, which added even more cause to the Honorable Harry P. Voldow for celebration; and

Whereas, It is a source of great pleasure to the Members of the House to observe the birth of future Legislators of the Commonwealth; be it therefore

Resolved, That the House of Representatives congratulates the Honorable Harry P. Voldow and his wife on the birth of a boy, and wishes the entire family a happy, long and successful journey throughout the future; and be it further

Resolved, That the Chief Clerk of the House mail a copy of this resolution to the happy couple as a token of the felicitations of the House of Representatives.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Voldow.

Mr. VOLDOW. Mr. Speaker, I desire to thank the sponsors of the resolution and all of the other Members of the House for the very kind wishes expressed therein. Both mother and son are doing fine.

I might add for the benefit of the gentleman from Philadelphia, Mr. Rose, who has been teasing me at every turn as to my inability to produce a son, that I shall wait patiently to see what he can do for the defense of his country.

REPORTS FROM COMMITTEES

Mr. MODEL, from the Committee on Judiciary General, reported as committed, House Bill No. 1958, (Senate Bill No. 178) entitled:

An Act to amend paragraph four of subsection (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447-entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisalment of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by validating deeds heretofore accepted by fiduciaries folding mortgages in certain cases.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 1933, (Senate Bill No. 726), entitled:

An Act to provide for two additional law judges of the Court of Common Pleas of the Fifth Judicial District.

Mr. GOODWIN, from the Committee on Counties reported as amended House Bill No. 1775, (Senate Bill No. 46), entitled:

An Act to amend the title of and to add section one hundred fifty and one-tenth to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing the county treasurer in counties of the first second third fourth fifth sixth seventh and eighth classes to appoint a solicitor and providing for his salary payable out of the treasury from which the county treasurer is paid

RECESS

The SPEAKER. If there is no objection the Chair is

about to declare a recess until 2:30 p. m. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 2:30 p. m.
The SPEAKER (Elmer Kilroy) in the Chair.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 933. (HOUSE BILL No. 1966).

An Act to further amend clause (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" further regulating refunds.

Referred to the Committee on State Government.

SENATE BILL No. 1260. (HOUSE BILL No. 1967).

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing a certain route.

Referred to the Committee on Appropriations.

SENATE BILL No. 1281. (HOUSE BILL No. 1968).

A Joint Resolution Proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 1282. (HOUSE BILL No. 1969).

An Act authorizing the Department of Property and

Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 229. (HOUSE BILL No. 1970).

An Act creating a commission to make a study and investigation of the laws governing and the practical operation of the parole and penal systems of this Commonwealth and other parole and penal systems defining its powers and duties and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 739. (HOUSE BILL No. 1971).

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in restoring and maintaining the original valley forge at Valley Forge Park.

Referred to the Committee on Appropriations.

SENATE BILL No. 932. (HOUSE BILL No. 1972).

An Act to further amend section eight hundred and six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettling of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by changing and restricting the right of the Commonwealth to impose interest on unpaid tax and bonus when such tax and bonus are not settled within a certain period of time.

Referred to the Committee on State Government.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 529

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 529, Printer's No. 1048, entitled, "An act to further amend section 571 of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103), entitled 'An act concerning townships of the second class and amending revising con-

solidating and changing the law relating thereto' by providing that the tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 940

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 940, Printer's No. 1022, entitled, "An act to amend section 1202 by adding thereto clause LX of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing certain boroughs to appropriate moneys for the support of hospitals."

ARTHUR H. JAMES.

BILL ON FIRST READING

Mr. BENTLEY asked and obtained unanimous consent for House Bill No. 1833 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1833, entitled:

An Act to amend section five of the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (P. L. 53), entitled "An act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," by further prescribing certain rights of employees and officers of institutions acquired by the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

RESOLUTION

RECALLING HOUSE BILL No. 1837 FROM THE GOVERNOR

Messrs. BRADLEY and STANK offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 8, 1941.

Resolved, (if the Senate concur), That House Bill No. 1837, Printer's No. 1077, entitled "An act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations and persons, providing for the regulations of public utilities, including to a limited extent municipalities engaging in public

utility business, by prescribing, defining and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies and corporations, including to a limited extent, municipal corporations subject to this act, * * *," changing the definitions of 'Common Carrier by Motor Vehicle' and 'Contract Carrier by Motor Vehicle' and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. CORDIER asked and obtained unanimous consent to address the House.

Mr. Speaker, I hold in my hand an editorial from the Johnstown Democrat pertaining to a question which is pertinent to a matter of vital interest that is now before the General Assembly. This editorial was written by a former Member of this House who I am sure we all know was one of the ablest Members of this General Assembly when he served here. This particular editorial is headed "Fire the Communists," and I quote from that editorial as follows:

"Some Pennsylvania teachers have been kicked out of their union because they are Communists. Unions have the power to expel when members go sour on their Americanism. Teachers who are kicked out of their unions because they are Communists should be kicked out of the schools because they are Communists. The people of Pennsylvania do not want Communists, "fellow travelers"—potential traitors—doing the teaching. The Commies, however, grin and say they are protected by the Teacher Tenure Act. The school boards are finding the Commies have the Teacher Tenure Law on their side.

"The Teacher Tenure Law should be amended to give school boards the right to fire instructors who run to subversive teaching. The teachers reply that they shouldn't be subjected to possible school board bigotry and narrow mindedness." Who are these teachers who have such a monopoly on patriotism that they can turn up their educated noses at school boards? When it comes to determining what is and what is not subversive teaching we should rather trust the school boards than the teachers. And we don't think so much of some school boards.

"There are bills in the possession of the House which, if enacted, would permit the various school boards to fire the Communists.

"It is argued that you can't tell what a teacher thinks and that teachers should not be dismissed unless they commit an "overt act"—throw a bomb or something like that. Perhaps you can't tell what a teacher thinks, but it is sometimes easy enough to tell what a teacher teaches. When a teacher's teachings ARE subversive the place for that teacher is out.

"Who is to tell whether a teacher's teachings are subversive?" asked the theoreticians. Right there is the nub of the whole business. The Communist teachers argue they are the ones who should pass judgment on their own teachings. Real Americans, however, would probably prefer the finding of the school board to that of the subversive teacher.

"But," say the teachers, "if the school boards are given the opportunity they will persecute innocent

teachers, they will engage in witch hunts, they will do all manner of improper things." Again we ask, who are these teachers? By what right do they say that school boards are wicked—or so dumb—while they are so pure and so wise?

"The Republican minority in the House favors the enactment of some bill—any bill—which will make it possible to drive the Communists out of the schools. The Democrats—so far—have been standing with the Communists. The Democrats in the House are making a mistake. A party that is afraid of a few Communist teachers isn't a party the people of this State are likely to trust very far or very long. The people are a bit touchy about their schools. And the people don't like Communists.

"The folks back home should tell their members of the General Assembly to amend the Teacher Tenure Act with sufficient vigor to make it possible for school boards to fire teachers who are Communists, and who never should have been hired in the first place. Democratic members of the House should force the hand of the House. If they decline to do so, the Republican Members should act.

"No Democratic or Republican Member of the General Assembly who refuses to vote in favor of kicking the Communists out of the schools should ever again be permitted to hold any public office in Pennsylvania. If the Democrats line up with the Communists they are creating a campaign issue that will lick them—and they will deserve to be licked."

Mr. Speaker, I think that editorial is very concise and very pertinent to a question of vital concern to the people of the Commonwealth of Pennsylvania now before this Session. As I utter these words there are within the walls of this House a great sprinkling of members of the Communist party who have come here and received all the benefits of democracy and all of the benefits provided for in the Constitution of the United States. Yet they believe in a philosophy that will provide for the overthrow of that form of government by the very Constitution that gives them the opportunities that they have under this democracy. I say that the vast majority of citizens of the Commonwealth are looking to this Legislature with anxious eyes and they are asking each Member of this General Assembly to stand up and be counted. They are insisting that we do something about this question and that we once and for all rid this state of the great scourge that has infested it and has foisted itself upon the clear thinking people of this Commonwealth.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon a former member from Montour County, Judge Lloyd W. Welliver.

RESOLUTIONS

RECALLING HOUSE BILL No. 1203, FROM THE GOVERNOR

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), That House Bill No. 1203, Printer's No. 612, entitled "An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1106, FROM THE GOVERNOR

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), That House Bill No. 1106, Printer's No. 1046, entitled "An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1066, FROM THE GOVERNOR

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), That House Bill No. 1066, Printer's No. 978, entitled "An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1083, FROM THE GOVERNOR

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), That House Bill No. 1083, Printer's No. 614, entitled "An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 581, FROM THE GOVERNOR

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), That House Bill No. 581, Printer's No. 976, entitled "An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis and Bang's disease in cattle,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 389, FROM THE GOVERNOR

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), That House Bill No. 389, Printer's No. 339, entitled "An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Farview State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 291, FROM THE GOVERNOR

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), That House Bill No. 291, Printer's No. 1047, entitled "An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 90, FROM THE GOVERNOR

Mr. TAYLOR offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), That House Bill No. 90, Printer's No. 1041, entitled "An Act providing for the correction of the designation and title of all organizations of veterans of the Spanish American War in all present legislation affecting veterans by designating such organizations as The United Spanish War Veterans, Incorporated,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

STUDENTS OF WEST CHESTER STATE TEACHERS COLLEGE WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon students of the West Chester State Teachers College.

CONGRATULATORY RESOLUTION

Mr. HUNTLEY offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, July 8, 1941.

Whereas, Today marks the 74th wedding anniversary of Mr. and Mrs. Samuel C. Parks of Howard Siding, Pennsylvania; and

Whereas, Mr. Parks is a veteran of the war between the states and fought at Chancellorsville, and is the only living veteran of the Civil War residing in Cameron County; and

Whereas, In the book the "Story of the Sinamahone,"

Mr. Parks is described as one of the best raftsmen and hunters residing in Pennsylvania; and

Whereas, Mr. and Mrs. Parks have always carried out their duties as American citizens, and conscientiously voted at every election including the last one, in spite of their advancing years; and

Whereas, This happy and devoted couple stand as a living symbol to those who uphold the beauty and sanctity of marriage; be it therefore

Resolved, That the House of Representatives congratulates Mr. and Mrs. Parks on this, their 74th wedding anniversary, and directs the Chief Clerk to send a copy of this resolution to them, conveying the best wishes of the House of Representatives for many happy returns of the day.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 5 p. m. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 5 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1098

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1098, Printer's No. 1081, entitled:

"An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three (P. L. 1449), entitled 'An act establishing a court of record in the County of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants; providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties,' to further provide for the payment of and liability for the costs of maintenance of children under care of Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1167

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1167, Printer's No. 547, entitled, "An Act to amend section three hundred seventeen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225), entitled, 'An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the low relating thereto' changing the provisions of said act as to the right of residents to hunt and trap without a license."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1175

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1175, Printer's No. 1021, entitled, "An Act to amend section six hundred fifteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' excepting certain repairs to school buildings from requirement of approval by State Council of Education."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1259

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1259, Printer's No. 1035, entitled, "An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employees' retirement system in counties of the fourth class imposing certain charges on counties and fixing penalties."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1263

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1263, Printer's No. 859, entitled, "An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto."

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 1483

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 8, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1483, Printer's No. 952, entitled, "An Act to repeal the act approved the sixteenth day of January one thousand seven hundred and ninety-nine (3 S m Laws page 338) entitled, 'An act to declare Frankford Creek a public highway.'"

ARTHUR H. JAMES.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 8:30 p. m. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 8:30 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

SENATE MESSAGES

RESOLUTIONS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 8, 1941.

Resolved, (if the Senate concur), that House Bill No. 90, Printer's No. 1041, entitled "An Act providing for the correction of the designation and title of all organizations of veterans of the Spanish American War in all present legislation affecting veterans by designating such organizations as The United Spanish War Veterans, Incorporated,"

be recalled from the Governor for the purpose of amendment.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), that House Bill No. 291, Printer's No. 1047, entitled "An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books",

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), that House Bill No. 389, Printer's No. 339, entitled "An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Farview State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor",

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), that House Bill No. 581, Printer's No. 976, entitled "An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis and Bang's disease in cattle",

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), that House Bill No. 1066, Printer's No. 978, entitled "An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania",

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), that House Bill No. 1083, Printer's No. 614, entitled "An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania",

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), that House Bill No. 1106, Printer's No. 1046, entitled "An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania",

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 8, 1941.

Resolved (if the Senate concur), that House Bill No. 1203, Printer's No. 612, entitled "An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education,"

be recalled from the Governor for further consideration.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 8, 1941.

Resolved, (If the Senate concur), That House Bill No. 1837, Printer's No. 1077, entitled "An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven, (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations and persons, providing for the regulation of public utilities, including to a limited extent municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers and liabilities, and regulating the exercise surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicles and brokers in order to regulate effectively common carriers by motor vehicles; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies and corporations, including to a limited extent, municipal corporations subject to this act, * * *, changing the definitions of 'Common Carrier by Motor Vehicle' and 'Contract Carrier by Motor Vehicle' and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act,"

be recalled from the Governor for the purpose of amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 171.

An Act to further amend subsection (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" further regulating refunds

SENATE BILL No. 263.

An Act to establish a system uniform throughout the Commonwealth for the compensation of witnesses regulating the amount payment and taxation as costs thereof and repealing inconsistent legislation.

SENATE BILL No. 401.

An Act repealing and abandoning as a State highway State highway route 15181 in Chester County and providing for the reversion thereof to the township.

SENATE BILL No. 459.

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this Act

SENATE BILL No. 463.

An Act to amend sections one and three of the act approved the tenth day of April one thousand nine hundred and twenty-nine (P. L. 478) entitled "Conferring authority on the Department of Highways or any county or township to enter upon private property adjacent to any public road or highway and place thereon snow fence between November first and April first of the succeeding year providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highway to the owner of adjacent property and repealing certain acts" by including the Pennsylvania Turnpike Commission

SENATE BILL No. 465.

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages

SENATE BILL No. 484.

An Act defining the rate of interest and fixing the rate

and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways

SENATE BILL No. 508.

An Act to amend section two thousand three hundred twenty of the act approved the ninth day of April one thousand nine hundred and twenty-nine P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" by authorizing the State Council for the Blind to furnish certain aids and services to needy blind persons or persons with impaired vision for the purpose of restoring or improving their vision and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose

SENATE BILL No. 597.

An Act to further amend section seven hundred one of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor

SENATE BILL No. 806.

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating sabbatical leaves for certain school employees

SENATE BILL No. 934.

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor.

SENATE BILL No. 1040.

An Act to further amend section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide

and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 183.

An Act to amend section seven hundred two and to further amend section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the establishment and maintenance of fire hydrants and fire hydrant water service and the levy of a special tax therefor with the assent of electors

HOUSE BILL No. 434.

An Act making an appropriation to the Pennsylvania Department of Highways for the improvement of roads and parking areas within the Daniel Boone Homestead

HOUSE BILL No. 1442.

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work

HOUSE BILL No. 223.

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township Lancaster County or so much thereof as may be necessary as a memorial providing for the control management supervision improvement restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

HOUSE BILL No. 1101.

An Act to amend section one thousand five hundred and one, and one thousand five hundred and eight of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto." further regulating sewer connections and sewer district assessments in certain cases.

HOUSE BILL No. 1370.

An Act to amend section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth" further regulating the removal discharge or reduction in pay or position of officers clerks and employees in the classified civil service

HOUSE BILL No. 1501.

An Act authorizing the Secretary of the Department of Forests and Waters to lease a tract of land in Jackson Township Dauphin County to the Susquehannock Indian Tribe

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 251.

An Act to amend section eleven of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2532), entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth; and to provide for the administration thereof," by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer; and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employe or any other party in interest against the fund.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

ALL BILLS REPORTED FROM COMMITTEE
READ FIRST TIME

Mr. ACHTERMAN. Mr. Speaker, I move that all bills reported from committee as committed today be read for the first time.

The motion was agreed to.

Pursuant to the foregoing motion the following bills were read the first time:

BILLS ON FIRST READING

The House proceeded to the first reading and consideration of House Bill No. 1962, (Senate Bill No. 1297), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth conveyed to any person partnership or corporation authorized to hold such real estate by any alderman justice of the peace or magistrate where such alderman justice of the peace or magistrate has made acknowledgment of such conveyance before himself and is now deceased

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The House proceeded to the first reading and consideration of House Bill No. 1958, (Senate Bill No. 178), entitled:

An Act to amend paragraph four of subsection (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal

of executors administrators guardians and trustees here-in designated as fiduciaries and administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries re-funding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by validating deeds heretofore accepted by fiduciaries holding mortgages in certain cases:

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The House proceeded to the first reading and consideration of House Bill No. 1933, (Senate Bill No. 726), entitled:

An Act to provide for two additional law judges of the Court of Common Pleas of the Fifth Judicial District.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The House proceeded to the first reading and consideration of House Bill No. 1775, (Senate Bill No. 46), entitled:

An Act to amend the title of and to add section one hundred fifty and one-tenth to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing the county treasurer in counties of the first second third fourth fifth sixth seventh and eighth classes to appoint a solicitor and providing for his salary payable out of the treasury from which the county treasurer is paid

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEES TO MEET
DURING SESSION

Mr. STANK asked and obtained permission for the Committee on Highways to meet during the session of the House, for the purpose of considering Senate Bills Nos. 526, 656 and 1283.

Mr. CHERVENAK asked and obtained permission for the Committee on Counties to meet during the session of the House for the purpose of considering Senate Bill No. 1041, (House Bill No. 1830).

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 1174 (HOUSE BILL No. 1973).

An Act to amend the act approved the twentieth day of May one thousand nine hundred and thirty-seven (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such board defining the powers of the board and fixing the compensation of members and employes thereof providing that the awards of such board shall be final providing for the payment of awards and authorizing an appropriation" as amended by providing for the payment of fees and expenses of the members of said board not properly chargeable as costs of proceedings before it further prescribing procedure and further defining the jurisdiction of said board.

Referred to the Committee on State Government.

SENATE BILL No. 1306 (HOUSE BILL No. 1974).

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

Referred to the Committee on Appropriations.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. HOLLAND asked and obtained permission for the Committee on Corporations and Industry to meet during the session of the House for the purpose of considering House Bills Nos. 1038 and 1040.

REPORTS FROM COMMITTEES

Mr. GERARD, from the Committee on Corporations and Industry, reported as committed, House Bill No. 1398, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by changing certain provisions of the act relating to corporate names, by requiring certain certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases, by making certain changes in the scope of the act and by making certain provisions relating to the filing of notices of changes of registered offices.

Mr. GERARD, from the Committee on Corporations and Industry, reported as committed, House Bill No. 1400, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, con-

solidation, reorganization, winding up and dissolution of such corporations; conferring certain rights powers, duties and immunities upon them and their officers, and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by changing certain provisions of the act relating to corporate names and requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

Mr. MARKS, from the Committee on Highways, reported as committed, House Bill No. 1949, (Senate Bill No. 1283), entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 595), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Warren.

Mr. McFALL, from the Committee on Counties, reported as committed, House Bill No. 1830, (Senate Bill No. 1041), entitled:

An Act to amend the title and section one of the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (P. L. 295), entitled "An act authorizing and empowering counties of the second class in this Commonwealth to acquire by lease, purchase, or condemnation proceedings any land within the county for the purpose of establishing and maintaining airdromes or aviation landing fields; providing for the procedure in case of condemnation, and the extent of title acquired; authorizing the lease by the county of portions of said land to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; authorizing and empowering the county to use land now owned by it for such purposes; and authorizing joint operation by said county and any city within the county of airdromes or aviation landing fields, where such city is authorized to establish and maintain the same," by extending the provisions of such act to all counties of this Commonwealth except counties of the eighth class.

Mr. HEATHERINGTON, from the Committee on Highways, reported as committed, House Bill No. 1947, (Senate Bill No. 526), entitled:

A Supplement to the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" establishing an additional route in the boroughs of South Langhorne Langhorne Manor and Langhorne Bucks County.

Mr. TROUT, from the Committee on Highways, reported

as committed, House Bill No. 1948, (Senate Bill No. 656), entitled:

A Supplement to the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" establishing an additional route in the borough of Sellersville Bucks County.

Pursuant to motion adopted this day the following bills were read the first time.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1398, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended by changing certain provisions of the act relating to corporate names, by requiring certain certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases, by making certain changes in the scope of the act and by making certain provisions relating to the filing of notices of changes of registered offices.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1400, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by changing certain provisions of the act relating to corporate names and requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1949, (Senate Bill No. 1283), entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 595) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Warren.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1830, (Senate Bill No. 1041), entitled:

An Act to amend the title and section one of the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (P. L. 295), entitled "An act authorizing and empowering counties of the second class in this Commonwealth to acquire by lease, purchase, or condemnation proceedings any land within the county for the purpose of establishing and maintaining airdromes or aviation landing fields; providing for the procedure in case of condemnation, and the extent of title acquired; authorizing the lease by the county of portions of said land to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; authorizing and empowering the county to use land now owned by it for such purposes; and authorizing joint operation by said county and any city within the county of airdromes or aviation landing fields, where such city is authorized to establish and maintain the same," by extending the provisions of such act to all counties of this Commonwealth except counties of the eighth class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1947, (Senate Bill No. 526), entitled:

A Supplement to the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" establishing an additional route in the boroughs of South Langhorne Langhorne Manor and Langhorne Bucks County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1948, (Senate Bill No. 656), entitled:

A Supplement to the act approved the first day of June

one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" establishing an additional route in the borough of Sellersville Bucks County.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

SUBSTITUTION OF COMMITTEE APPOINTMENT ON
HOUSE RESOLUTION 105

The SPEAKER. The Chair wishes to announce a substitution in the appointment of the Committee on the part of the House on House Resolution 105. The Chair substitutes the gentleman from Philadelphia, Mr. Voorhees, with the gentleman from Philadelphia, Mr. Fletcher. The gentleman from Philadelphia, Mr. Voorhees, is out of the country and will not be able to serve on this Committee.

REPORT OF COMMITTEE TO INVESTIGATE HOUSING
IN PHILADELPHIA

Mr. ROSENFELD. Mr. Speaker, I desire to offer the

report of the Committee to make a thorough study of the housing situation in Philadelphia, appointed pursuant to House Resolution No. 14, adopted February 24, 1941.

The SPEAKER. The report will be noted in the Journals of the House and printed in the Appendix to the Legislative Journal.

PERMISSION GRANTED COMMITTEE TO MEET
DURING SESSION

Mr. REUBEN E. COHEN asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

ADJOURNMENT

Mr. McLANAHAN. Mr. Speaker, I move that this House do now adjourn until Wednesday, July 9, 1941, at 12 m.

The motion was agreed to, and (at 10:58 p. m.) the House adjourned.

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